

Sessions Case No. 128 of 2013.

Order No. 4 dated 07/01/2014.

Out of 9 accused persons on bail 4 accused persons namely 1) Dipen Malley, 2) Sudesh Raya Majhi 3) Prashant Chettri @ Yogen Rai, and 4) Ashish Tamang are present before this court by filing their hazira, while remaining 5 accused persons namely Puran Rai, Subash Tamang, Tilak Rai @ Sotong, Sunil Rai and Babita Ganguly are all absent by a petition and represented under section 317 Cr.P.C.

18 accused persons namely 1) Kamal Sinha, 2) Pravin Subba, 3) Sanjoy Tamang, 4) Naresh Rai, 5) Suraj Singh, 6) Arun Moktan @ Tamang, 7) Amol Lama, 8) Sona Sherpa, 9) Dawa Sange Sherpa, 10) Nagendra Pradhan @ Nagen, 11) Keshar Rai, 12) Bhanu Rai, 13) Alok Kanta Mani Thulung @ Rai, 14) Kismat Chettri, 15) Puran Thami, 16) Tenzing Khambachey, 17) Keshab Raj Pokhrel and 18) Dinesh Gurung @ Karate Kaila are produced from J.C.

Ld. Advocates for the accused persons as well as Ld. Special P.P. representing the prosecution/CBI are present.

One report in the form of **status report** comprising 28 sheets including Annexures is filed by Inspector, C.B.I., S.C.B., Kolkata, Mr. Puspall Paul forwarded by Dr. S. Bagchi, D.I.G and Head of Branch, C.B.I., S.C.B., Kolkata, stating that after direction of the Hon'ble Apex Court, C.B.I has examined 33 witnesses, but as the case hinges upon arrest of absconding accused persons, obtaining of alleged telephonic interception recordings and recovery of weapon used in the offence it is difficult to provide specific time frame for completion of further investigation in this case and as such a comprehensive report will be filed before this court as soon as the further investigation of this case is concluded.

Ld. Special P.P., C.B.I by filing a petition prays for some more time for submission of complete report.

Heard Ld. Special P.P. and the Ld. Advocate for the accused persons.

None is present on behalf of the defacto complainant.

It appears from the record that vide order dated 8.10.13 passed in Writ petition (CRL) NO. 159 of 2012 the Hon'ble Apex Court has been pleased to direct that trial which was commenced in the absence of arrest of remaining accused shall not be proceeded with until the C.B.I concludes its further investigation and submits its comprehensive report before the transferred court, namely Principal District and Sessions Judge of Calcutta City and Civil Court and such comprehensive report shall be filed expeditiously preferably within 3 months from the date of pronouncement of the order. The period of three months has expired this day, but the comprehensive report as directed by the Hon'ble Apex Court has not been submitted by the CBI after the conclusion of further investigation for which prosecution has prayed for time.

This court has got no jurisdiction to extend the period granted by the Hon'ble Apex Court for submission of comprehensive report. At the time of hearing Ld. Special P.P. submitted that prosecution will move before the Hon'ble Apex Court for extension of time for submission of comprehensive report. Prosecution is at liberty to move the Hon'ble Apex Court

for extension of period for submission of comprehensive report.

Let the status report in a sealed cover be kept with the record.

Accused persons are remanded to J.C. till 21.1.14.

To date for appearance of the accused persons who are on bail.

Dictated & Corrected by me.

Chief Judge
City Sessions Court, Calcutta

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