

SESSIONS CASE NO 128 OF 2013

Order no 146 dated 26.02.2019

Today is fixed for appearance of the accused persons, awaiting further order from the Hon'ble Apex Court, appearance of the Executive Engineer, IT Division, PWD, Kolkata along with current status report and further report.

Ld. P.P. is present and files hazira.

45 accused persons out of 47 accused persons namely 1. Subhash Tamang 2. Prashant Chhetri @ Yogen Rai 3. Asish Tamang 4. Sudesh Rai Majhi 5. Sunil Rai 6. Tilak Rai 7. Dipen Malay 08. Arun Moktan 09. Sanjay Tamang 10. Bhanu Rai 11. Kamal Singha 12. Dawa Sangey Sherpa 13. Suraj Singh 14. Amol Lama 15. Prabin Subba 16. Goutam Tamang 17. Ruden Sada Lepcha 18. Edwin Sanchabir Subba 19. Khagen Tamang 20. Ranjit Rai 21. Alok Kanta Mani Thulung @ Rai 22. Kesav Raj Pokhrel 23. Puran Thami 24. Kismat Chhettri 25. Dinesh Gurung @ Karate Kaila 26. Tenzing Khambache 27. Naresh Rai 28. Nagendra Pradhan 29. Kesar Rai 30. Binoy Tamang 31. Col. Ramesh Aley 32. Dinesh Theeng 33. Asha Gurung 34. Sushma Rai 35. Sandhya Gurung 36. Urmila Rumba 37. Anita Lakhandri 38. Kabita Dahal 39. Babita Ganguly 40. Sona Sherpa 41. Roshan Giri, 44. Harka Bahadur Chhetri, 45. Rabin Subba, 46. Pemba Tshering @ Ola and 48. Devendra Sharma on court bail are found absent on calls.

Ld. Advocates for the 45 accused persons have filed three separate petitions seeking permission to represent the above named accused persons u/s 317 Cr. P.C.

Heard both sides.

Prayer is considered and allowed.

The 45 accused persons are permitted to be represented u/s 317 Cr. P.C. by their respective ld. Advocates.

Accused persons namely 42) Jiten Tamang are found absent on repeated calls.

Ld. Advocate for the accused person namely 42) Jiten Tamang files a petition with an undertaking to file Vakalatnama on the next date fixed and prays for an adjournment on the ground stated therein.

Heard both sides.

Prayer is considered and allowed.

Accused no. 43) Pradeep @ Bhupendra Pradhan is found absent on repeated calls.

No steps have been taken on behalf of the accused person namely 43) Pradeep @ Bhupendra Pradhan.

None moves on behalf of the accused person.

Now it is 12.20 P.M.

In view of above, cancel the bail bond in respect of the accused person namely 43) Pradeep @ Bhupendra Pradhan.

Issue W/A against the accused person namely 43) Pradeep @ Bhupendra Pradhan

Continued.....

Continued order no.146 dated 26.02.2019

and start proceedings against the surety namely Ramesh Chandra Shaw who stood as local surety on 21.12.2016 u/s 446 of the Cr. P.C.

Office is directed to do needful.

Ld. Chief Metropolitan Magistrate, Calcutta is hereby directed to start proceedings against the surety namely Ramesh Chandra Shaw u/s 446 of the Cr. P.C.

Let a copy of this order be sent to the ld. Chief Metropolitan Magistrate, Calcutta for compliance.

The Executive Engineer, IT Division, PWD, Kolkata is present personally in court and submits one copy of report along with copy of some relevant documents being no.3962 dated 25.02.2019 and a copy letter being no WTL/PWD/PSM/EP/001 dated 25.02.2019 issued by P.S. Mitra, Deputy Manager, Webel Technology Ltd. Perused the same.

Let those be kept with the record.

It reveals from the report “the tender formalities is expected to be completed by 27th March, 2019 (if matured in 1st attempt). Work order is expected to be issued by 2nd week of April, 2019 and the supply and execution is expected to be completed and system will be ready for operation by six weeks after issuing the work order.”

Let those be kept with the record.

In view of the above, personal appearance of the Executive Engineer, IT Division, PWD, Kolkata is dispensed with.

Ld. Advocates for the accused persons submit that the matter was taken up on 18th April, 2018 in the Hon’ble Apex court and the Hon’ble Apex court was pleased to extend interim order for a period of three months from the day of passing the order on Hon’ble Apex Court. Ld. Advocates for the accused persons further submit that the matter was listed in the month of November, 2018, but no order was passed in this matter.

Perused the case record.

It reveals that no further interim order/ order is received from the Hon’ble Supreme Court of India as yet.

No further interim order of Hon’ble Supreme court of India is submitted by the de-facto complainant as yet.

In view of the above, issue notice upon the de-facto complainant namely Bharati Tamang with a direction to the de-facto complainant to appear before this court along with her ld. advocate on the date fixed i.e.16.04.2019 along with the current status of the matter before the Hon’ble Apex Court.

Office is to do needful.

Accordingly, case is adjourned.

Fix **16.04.2019** for appearance of the accused persons, awaiting further order from

Continued.....

Continued order no.146 dated 26.02.2019

the Hon'ble Apex Court, appearance of the de-facto complainant along with current status of the matter before the Hon'ble Apex Court and further report.

Office is to do needful.

D/C by me

Chief Judge
City Sessions Court
Calcutta.

Chief Judge
City Sessions Court
Calcutta