

SESSIONS CASE NO 128 OF 2013  
CNR-WBCS01-000139-2013  
Present: Sri Soumendra Nath Das  
Chief Judge, City Sessions Court, Calcutta  
J.O. CODE NO.WB01132

Order no 178 dated 22.09.2023

Today is fixed for bringing updated order from the Hon'ble Supreme Court of India and bringing order of Hon'ble High Court, Calcutta.

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

Hazira is filed on behalf of the De-facto Complainant.

Out of (47) Accused persons, (47) Accused persons namely 1. Subhash Tamang, 2.Prashant Chhetri @ Yogen Rai, 3.Asish Tamang, 4.Sudesh Rai Majhi, 5.Sunil 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, 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, 42) Jiten Tamang, 43) Pradeep @ Bhupendra Pradhan, 44. Harka Bahadur Chettri, 45. Rabin Subba, 46. Pemba Tshering @ Ola and 48. Devendra Sharma on Court Bail are found absent on calls.

Two separate petitions have been filed for the Accused persons namely 42) Jiten Tamang, 43) Pradeep @ Bhupendra Pradhan and 44) Harka Bahadur Chettri praying for allowing his Ld. Advocates to represent the Accused persons u/s 317 of Cr. P.C. on the ground stated therein.

Heard both sides.

The prayer is considered and allowed.

The Accused persons namely 42) Jiten Tamang, 43) Pradeep @ Bhupendra Pradhan and 44) Harka Bahadur Chettri are allowed to be represented through his Ld. Advocate u/s 317 Cr. P.C.

Two more petitions have been filed on behalf of the rest of the Accused persons praying for condoning their absence on the ground stated therein.

One server copy of order dated 12.12.2017 passed by Hon'ble Supreme Court of India in connection with SLP (Crl.) No.9541-9546/2017 (II-B) has been filed on behalf of the De-facto Complainant and it is contended that Hon'ble Supreme Court of India was pleased to stay the trial of this Sessions Case till the next date of hearing and thereafter the Hon'ble Court has been pleased to extend the stay order from time to time and the case is pending before the Hon'ble Court.

Perused the order dated 12.12.2017 in connection with SLP (Crl.) No.9541-9546/2017 (II-B).

No further order is received from Hon'ble Supreme Court as yet.

No compliance report is received from the Ld. CMM, Calcutta in terms of the order no. 176, dated 27.06.2023, but today the accused person no. 43) Pradeep @ Bhupendra Pradhan is being represented through the Ld. Advocate u/s 317 of Cr. P.C. today.

Continued.....

Continued order no.178 dated 22.09.2023

Ld. Advocate for the widow of the deceased filed one hazira along with a net copy of order dated 14.09.2023 of Hon'ble High Court, Calcutta passed in CRR No. 3685 of 2017 with CRR 50 of 2018 wherein the Hon'ble Court has been pleased to pass an order that "*List the matter of October 3, 2023 at 2:00 P.M. under the heading "Specially Fixed Matter."*

Perused the net copy of order dated 14.09.2023 of Hon'ble High Court, Calcutta passed in CRR No. 3685 of 2017 with CRR 50 of 2018.

Ld. Spl. P.P and Ld. Advocate for the widow of the deceased submit before this Court that the proceedings are stayed by the Hon'ble Supreme Court of India.

In view of the order dated 14.09.2023 passed by Hon'ble High Court, Calcutta in CRR No. 3685 of 2017 with CRR 50 of 2018 and submission of the Ld. Spl. P.P and Ld. Advocate for the widow of the deceased and Ld. Advocates for the accused person, the case is adjourned for the ends of justice.

On consent of both sides, fixing **24.11.2023** for bringing updated order from the Hon'ble Supreme Court of India and bringing updated order, if any, of Hon'ble High Court, Calcutta in CRR No. 3685 of 2017 with CRR 50 of 2018.

To-date for taking steps by all the accused regarding their appearance.

D/C by me.

Sd./-

Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta