

SESSIONS CASE NO 128 OF 2013

CNR-WBCS01-000139-2013

Present: Sri Soumendra Nath Das

J.O. CODE NO.WB01132

Chief Judge, City Sessions Court, Calcutta

**Order no.198 dated 13.12.2024**

Today is fixed for appearance and framing of charge.

To-day is also fixed for bringing updated order from the Hon'ble Supreme Court of India, if any.

To-day is fixed for appearance of the accused person namely 5. Sunil Rai and 17. Ruden Sada Lepcha today positively i.d. necessary order.

Out of (46) Accused persons, (43) Accused persons namely 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, 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, 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, 48. Devendra Sharma and Bimal Gurung on Court Bail are found present in Court on calls.

Respective haziras have been filed on behalf of 41 accused persons out of 43 accused persons.

No hazira is filed on behalf of the accused persons namely 42) Jiten Tamang and 43) Pradeep @ Bhupendra Pradhan, although these accused persons are found present before this Court on calls.

The accused persons namely 2.Prashant Chhetri @ Yogen Rai, 18. Edwin Sanchabir Subba and 32.Dinesh Theeng on Court bail are found absent on calls.

None turns up on behalf of the accused persons.

Hazira has been filed on behalf of the De-facto Complainant.

Ld. Special P.P. for C.B.I. is present.

The accused person namely 29.Kesar Rai files a petition along with a photograph stating that the accused person 32. namely Dinesh Theeng has fell seriously ill while on his way to Kolkata on 12.12.2024 and he has been taken to N.R.S. Hospital at Calcutta and the two accused persons namely 2.Prashant Chhetri @ Yogen Rai and 18. Edwin Sanchabir Subba accompanied the ill accused person namely Dinesh Theeng and therefore prays for condoning absence of these three accused persons.

**Today Ld. Lawyers did not attend the Court proceedings due to resolution taken by local Bar on account of death of a Ld. Advocate.**

Perused the photograph and heard the submissions of the accused person namely 29.Kesar Rai.

Having heard the accused persons and also on consideration of the resolution taken by local Bar, prayer for condoning the absence of the three accused persons namely 2.Prashant Chhetri @ Yogen Rai, 18. Edwin Sanchabir Subba and 32.Dinesh Theeng is allowed for the ends of justice with a direction upon these accused persons to remain present before this Court on the next date fixed positively.

Ld. Special P.P. of C.B.I. files a petition along with a server copy of order dated 19.11.2024 passed by the Hon'ble Supreme Court of India in connection with Diary No.30179/2024 with SLP (Crl.) Nos.9688-9689/2024 and prays taking note of the updated order of the Hon'ble Court.

Perused the server copy of order dated 19.11.2024 in SLP (Crl.) Nos.9688-9689/2024 wherein the Hon'ble Supreme Court of India has been pleased to observe as follows:

*“Learned counsel for the petitioner seeks time to file rejoinder. The same be filed in two weeks.*

*Learned counsel for respondent no.2 states that she has filed vakalatnama for the said respondent and seeks time to file counter affidavit on his/her behalf. The same be also filed in the meanwhile.*

*List the matter after four weeks.”*

Having heard the accused persons and also considering the fact that three accused persons namely 2.Prashant Chhetri @ Yogen Rai, 18. Edwin Sanchabir Subba and 32.Dinesh Theeng are absent today and also on consideration of the resolution taken by local Bar and in absence of Ld. Lawyer and considering the fact that the matter is pending before the Hon'ble Supreme Court of India for final hearing, this Court has no other alternative but to adjourn the hearing on the point of framing of charge for the ends of justice with a direction upon all sides to come ready on the next date fixed and no adjournment will be allowed to the parties on the next date fixed.

No acknowledgment receipt is submitted by the Prosecution/CBI in terms of order no.194 dated 12.11.2024 passed by this Court.

The accused person namely Bimal Gurung is directed to submit updated order of the Hon'ble Hon'ble Supreme Court of India, if any, on the next date fixed.

Fix **29.01.2025** for appearance and framing of charge.

To-date i.e. on **29.01.2025** for bringing updated order from the Hon'ble Supreme Court of India, if any.

To-date i.e. on **29.01.2025** for appearance of the accused persons namely 2.Prashant Chhetri @ Yogen Rai, 18. Edwin Sanchabir Subba and 32.Dinesh Theeng on the next date fixed positively i.d. necessary order.

To-date i.e. on **15.01.2025** for further hearing upon the petition dated 26.07.2024 filed by the victim party.

All the accused persons are directed to remain present on the next date fixed positively i.e. necessary order in accordance with law.

Let a copy of this order be sent to the I.O. of this case through the Ld. Special P.P. for information and necessary action.

D/C by me.

Sd./-

Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta

