

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.200 dated 29.01.2025

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 also fixed for appearance of the accused persons namely 2.Prashant Chhetri @ Yogen Rai, 18. Edwin Sanchabir Subba and 32.Dinesh Theeng before this Court positively i.d. necessary order.

Thirty eight (38) accused persons namely 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, 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, 33 Asha Gurung 34.Sushma Rai, 35.Sandhya Gurung, 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 the above named 38 accused persons.

The accused persons namely 13.Suraj Singh, 30. Binoy Tamang 31.Col. Ramesh Aley , 36.Urmila Rumba, 37.Anita Lakhandri, 38. Kabita Dahal and 39.Babita Ganguly on Court bail are found absent on calls.

Ld. Advocates for the above accused persons namely 13.Suraj Singh, 30. Binoy Tamang 31. Col. Ramesh Aley , 36.Urmila Rumba, 37.Anita Lakhandri, 38. Kabita Dahal and 39.Babita Ganguly have filed two separate petition along with Xerox copy of medical documents and prayed for condoning their absence on the ground stated therein.

Heard both sides on the point of condoning absence of the above named accused persons.

Having heard the submissions of all sides, prayer for condoning their absence are considered and allowed with direction upon them to remain present before this Court on the next date fixed.

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

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

One petition along with Xerox copy of the death certificate issued by the sub- Registrar (Birth and Death) of Gram panchyat Rangit- I has been filed on behalf of the accused person 32. namely Dinesh Theeng and Ld. Counsel prays for passing necessary order in this regard.

Perused the petition so filed today along with the Xerox copy of the death certificate in the name of Dinesh Theeng.

Let the same be kept with the record.

In view of the above fact, the I.O. of this case is directed to submit a report with regard to the genuineness of the death certificate in the name of Dinesh Theeng issued by the sub-Registrar (Birth and Death) of Gram panchyat Rangit- I.

Ld. Counsel for the accused person namely Bimal Gurung files a petition stating that challenging the order dated 13.06.2024 passed by the Hon'ble High Court at Calcutta the accused/petitioner namely Bimal Gurung has preferred a special leave petition vide SLP (Crl.) nos.9688-9689 of 2024 before the Hon'ble Supreme Court of India and upon hearing of the same on 26.07.2024 the Hon'ble Supreme Court of India was pleased to admit the Special Leave petition.

Ld. Counsel for the accused person namely Bimal Gurung further stated that the matter was heard on 30.09.2024 and lastly on 19.11.2024 by the Hon'ble Division Bench comprising Hon'ble Justice Bela M. Trivedi and the Hon'ble Justice Satish Chandra Sharma and on 19.11.2024 the Hon'ble Supreme Court was pleased to pass a direction to list the matter after four weeks before the Hon'ble Court and till date the matter has not been listed for hearing before the Hon'ble Court.

Ld. Counsel for the accused person namely Bimal Gurung further contends that the rejoinder has been filed by the petitioner against the counter affidavit filed by the Opposite Party NO.1/C.B.I. and the O.P. no.2/Widow of the deceased has filed her counter affidavit to the SLP. and the said matter is likely to be taken up for hearing as and when the business of the Hon'ble Court will permit and therefore Ld. Counsel prays for an adjournment today for enabling him to bring further order/orders from the Hon'ble Supreme Court of India.

On perusal of the server copy of order dated 19.11.2024 in SLP (Crl.) Nos.9688-9689/2024 it reveals that 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.”

Ld. Counsel for the CBI categorically submits before this Court that there is no stay order debarring this Court from framing of charges against the accused persons but he admits that some of the accused persons are not present before this Court today.

Heard all sides on the point of an adjournment.

Having heard the submissions of all sides and considering the requirement of a report with regard to the genuineness of the death certificate in the name of Dinesh Theeng issued by the sub- Registrar (Birth and Death) of Gram panchyat Rangit- I filed today and also the absence of some of the accused persons and also 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 charges 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.

Only after the submission of report with regard to genuinity of the Death Certificate this Court can proceed with framing of the charges.

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 **20.02.2025** for appearance and framing of charge.

To-date i.e. on **20.02.2025** for bringing updated order from the Hon'ble Supreme Court of India, if any.

To-date i.e. on **20.02.2025** for appearance of the accused persons namely 13.Suraj Singh, 30. Binoy Tamang 31. Col. Ramesh Aley , 36.Urmila Rumba, 37.Anita Lakhandri, 38. Kabita Dahal and 39.Babita Ganguly on the next date fixed positively i.d. necessary order.

To-date i.e. on **20.02.2025** for further hearing upon the petition dated 26.07.2024 filed by the victim party.

To-date i.e. **20.02.2025** for submission of report by the I.O. of this case with regard to the genuineness of the death certificate in the name of accused person namely Dinesh Theeng.

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 along with a copy of the Death Certificate in the name of accused person namely Dinesh Theeng 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