

**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. 205 dated 25.03.2025**

Today is fixed for production of the accused person namely **Puran Rai @ Puran Bahadur Rai**, appearance of rest of the accused persons and framing of charges.

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

Today is also fixed for production of the accused person namely **Puran Rai @ Puran Bahadur Rai** from the J.C before this Court in physical mode.

Today is also fixed for E.R of Warrant of Arrest against the accused person namely **Pradeep Pradhan**.

Today is also fixed for further hearing upon the petition dated 26.07.2024 filed by the victim party and submission of reports by the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal.

Today is also fixed for filing acknowledgment receipt with regard to service of copies of documents to the petitioner/ Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal by the Ld. Counsel for the victim party and the Prosecution/C.B.I.

The 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, 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, 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, 44. Harka Bahadur Chettri, 45. Rabin Subba, 46. Pemba Tshering @ Ola, 48. Devendra Sharma and Bimal Gurung on Court Bail are present in Court by filing their respective haziras.

The accused person **Puran Rai @ Puran Bahadur Rai** is produced before this Court from J.C in virtual mode.

Hazira has been filed on behalf of the widow of the deceased namely Bharati Tamang.

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

Ld. Counsels for the accused persons are also present before this Court.

Ld. Junior Advocate for the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal is also present and prays for fixing the matter at 12.00 noon for hearing as the Ld. Senior Counsel is indisposed of at the present and will make his submissions before this Court.

Received one original unexecuted warrant of arrest in respect the accused person Pradeep Pradhan along with a report of Ramendra Dhiman, Inspector of Police/HIO, CBI, SCB, Kolkata and Xerox copies of Aadhar Cards in the name of Sunita Pradhan and Somya Pradhan stating that pursuant to the order no.203 dated 03.03.2025 of this Court, a CBI team was formed to execute the warrant of arrest against the accused person Pradeep Pradhan and the said CBI team had visited the address of the accused person namely Pradeep Pradhan and also had visited the address of the warrantee' s elder brother namely Deepak Pradhan, but the accused person namely Pradeep Pradhan could not be located and sincere efforts are being made to locate and apprehend the said warrantee/accused person namely Pradeep Pradhan by deploying sources and obtaining other technical assistance, but the warrant of arrest could not be executed and therefore the HIO prays for reissuance of warrant of arrest against the accused person namely Pradeep Pradhan after extending the time for its execution.

Perused the report dated 25.03.2025 of Ramendra Dhiman, Inspector of Police/HIO, CBI, SCB, Kolkata.

Ld. Counsels for rest of the accused persons submit that all the accused persons are present before this Court in compliance with the order of this Court, but charge can not be framed today because of non execution of warrant of arrest of the accused person namely Pradeep Pradhan and therefore the Ld. Counsels for the accused persons have prayed for necessary direction upon the Investigating Agency/CBI to take necessary steps to ensure execution of warrant of arrest against the accused person namely Pradeep Pradhan.

Heard the Ld. Special P.P. for C.B.I. and the Ld. Counsels for all the sides.

In view of such fact, re-issue the warrant of arrest against the accused person namely **Pradeep Pradhan** after extension of time for its execution.

Office is to do the needful.

A petition along with a server copy of Daily Cause List Dated 26.03.2025 downloaded from the website of the Hon'ble Supreme Court of India has been filed on behalf of the accused person namely Bimal Gurung stating that the accused/petitioner has preferred a Special Leave Petition (SLP Criminal) before the Hon'ble Supreme Court of India vide SLP (Crl.) no.9688-9689/2024 which is listed as Item no.07 in the cause list dated 26.03.2025 before the Hon'ble Division Bench of the Hon'ble Supreme Court of India and therefore the Ld. Counsel for the accused person namely Bimal Gurung prays for keeping on record the said fact before the Hon'ble Court.

Perused the same and let the said petition along with annexures be kept with the record.

Heard both sides.

Perused the case record wherefrom it reveals that this Court has already fixed today for framing of charges on consent of all the accused persons, but because of non execution of the warrant of arrest of the accused person namely Pradeep Pradhan this Court has no other option left but to adjourn the matter today.

Accordingly, the case is adjourned today for the ends of justice with a direction upon the Prosecution to take all necessary emergent steps for execution of the warrant of arrest of the accused person namely Pradeep Pradhan positively.

No report with regard to starting of proceedings against the sureties u/s 446 of the Cr.P.C. in terms of order no.203 dated 03.03.2025 passed by this Court has yet been received from the Court of Ld. Chief Judicial Magistrate, Calcutta.

Accordingly, Ld. Chief Judicial Magistrate, Calcutta is again directed to start proceedings against the sureties u/s 446 of the Cr.P.C. and submit a report of compliance in this regard on the next date fixed.

The holding I.O Central Bureau of Investigation is directed take necessary emergent steps to execute the warrant of arrest against the accused person namely **Pradeep Pradhan** at once.

On consent of all sides, fix **22.04.2025** for production of the accused person namely **Puran Rai @ Puran Bahadur Rai**, appearance of rest of the accused persons and framing of charge.

To-date i.e. on **22.04.2025** for bringing updated order from the Hon'ble Supreme Court of India, if any.

To-date i.e. on **22.04.2025** for production of the accused person namely **Puran Rai @ Puran Bahadur Rai** from J.C before this Court in physical mode.

To-date i.e. on **22.04.2025** for E.R of Warrant of Arrest against the accused person **Pradeep Pradhan**.

All the accused persons on Court bail are directed to appear before this Court on the next date fixed positively without fail.

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

Let a copy of this order be sent to the holding I.O Central Bureau of Investigation for information.

Ld. Counsel for the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal submits that the conducting Ld. Counsel will be available before this Court at 12:00 noon and therefore prays for put up the matter at 12:00 noon before this Court.

Accordingly, let the case record be placed before this Court at 12:00 noon as prayed for by the Ld. Jr. Advocate for ADG (Crime), Criminal Investigation Department, Government of West Bengal for further hearing upon the petition dated 26.07.2024 filed by the victim party and submission of reports by the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal.

D/C by me

Sd./-  
Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta

Later: (at 12.00 noon)

Order dated 25.03.2025.

The case record is placed before this Court again.

Ld. Counsel on behalf of the widow of the deceased namely Bharati Tamang is present.

Ld. Counsel for the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal is also present.

Ld. Special P.P. for C.B.I. is not found available on repeated calls.

No acknowledgment receipt with regard to service of copies of documents to the petitioner/ Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal is furnished before this Court in terms of order no.204 dated 12.03.2025 passed by this Court by the Ld. Counsel for C.B.I.

Now, the record is taken up for further hearing upon the petition dated 26.07.2024 filed by the victim party and submission of reports by the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal.

At this juncture, Ld. Counsel for the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal by filing a petition states that this Court vide order no.204 dated 12.03.2025 directed the victim party as well as the CBI to supply copies of certain documents to the I.G.I.B. and ADG, CIO and the victim party has already supplied the documents as directed by this Court, but the CBI has not yet supplied copies of the charge sheets along with relied upon and non relied upon documents and under such circumstances, the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal is facing some difficulties to comply with the order no.202 dated 20.02.2025 passed by this Court and therefore the Ld. Counsel prays for a direction upon the CBI to supply copies of the charge sheets along with relied upon and non relied upon documents to the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal at once.

None turns up on behalf of the CBI.

Ld. Special P.P. for C.B.I. is not found available on repeated calls.

It also reveals that no acknowledgment receipt with regard to service of copies of documents to the petitioner/ Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal is filed on behalf of the CBI.

Heard both sides.

In view of the above circumstances, Ld. Special P.P. for the C.B.I. is again directed to instruct the I.O. of this case to take necessary steps to serve copies of the charge sheet filed by the Central Bureau of Investigation including list of all the relied upon and non relied upon documents at once in compliance with the order no.204 dated 12.03.2025 passed by this Court and file an acknowledgement receipt in this regard on the next date fixed.

The Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal shall submit the report as directed by this Court by its order no.202 dated 20.02.2025 on the next date fixed.

At this juncture, Ld. Counsel for the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal prays for fixing the next date already fixed by this Court i.e. on 22.04.2025 for submission of compliance report.

No objection is raised by the Ld. Counsel for the victim party.

To-date i.e. on **22.04.2025** for further hearing upon the petition dated 26.07.2024 filed by the victim party and submission of reports by the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal.

To-date i.e. on **22.04.2025** for filing acknowledgment receipt with regard to service of copies of documents to the petitioner/ Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal by the Ld. Counsel of C.B.I.

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.

Let a copy of this order be sent to the Inspector General of Police, Intelligence Branch, West Bengal and the ADG (Crime), Criminal Investigation Department, Government of West Bengal for information and necessary action.

D/C by me

Sd./-  
Chief Judge  
City Sessions Court, Calcutta

Chief Judge  
City Sessions Court, Calcutta