

S.T No. 03 (06) of 2025
SESSIONS CASE NO. 128 OF 2013
CNR-WBCS01-000139-2023
Present: Sri Sukumar Ray
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00590.

Order No. 01 dated 26.06.2025

Today is fixed for production and appearance of the accused persons and framing of charge.

The accused person, namely, 24. Puran Bahadur Rai @ Puran Rai, is produced before this Court physically.

Fresh vakalatnama has been filed on behalf of the accused Puran Bahadur Rai @ Puran Rai. Let the same be kept with the record.

The other accused persons, namely, 01. Keshav Raj Pokhrel, 02. Arun Moktan, 03. Tenzing Khambachay (Sherpa), 04. Kamal Sinha, 05. Puran Thami, 06. Keshar Rai, 07. Dawa Sangey Sherpa, 08. Suraj Singh, 09. Kismat Chhettri, 10. Alok Kantamoni Thulung, 11. Sanjoy Tamang, 12. Bhanu Rai, 13. Amol Lama, 14. Nagendra Pradhan, 15. Ashis Tamang, 16. Sona Sherpa, 17. Dinesh Gurung @ Karate Kaila, 18. Babita Ganguly, 19. Naresh Rai, 20. Prabin Subba, 21. Sunil Rai, 22. Prasant Chhettri @Yogen, 23. Sudesh Rai Majhi, 25. Asha Gurung, 26. Rabin Subba, 27. Anita Lakhandri, 28. Sandhya Gurung, 29. Kabita Dahal, 30. Miss. Urmila Rumba, 31. Jiten Tamang, 32. Pema Tshering ola, 33. Sushma Rai, 34. Dipen Malay, 36. Khagen Tamang, 37. Ruden Sada Lepcha, 38. Edwin Sanchabir Subba, 39. Ranjit Rai, 40. Gautam Tamang, 41. Bimal Gurung, 42. Roshan Giri, 43. Binoy Tamang, 44. Devendra Sharma, 45. Harka Bahadur Chettri, 46. Pradeep @ Bhupendra Pradhan, and 47. Col. Ramesh Alay, on Court Bail, are present in Court by filing respective hazira.

Ld. Special Public Prosecutor (CBI) and the Ld. Advocates for the accused persons are present.

Ld. Special Public Prosecutor (CBI) opened the case by describing the charge brought against the accused persons and stating by what evidences he proposes to prove the guilt of the accused persons.

Thus, the case is taken up for consideration of charge.

Heard Ld. Special Public Prosecutor (CBI) as well as the Ld. Advocates of the accused persons.

Ld. Advocates for the accused persons submitted that they have no objection if the charge is framed against the accused persons.

Considered.

Perused the materials on record and the contents of the case diary.

Prima facie case **under Sections 147/148/149/427/506/302 of the Indian Penal Code/34, Indian Penal Code** has been made out against the accused persons, namely, 01. Keshav Raj Pokhrel, 02. Arun Moktan, 03. Tenzing Khambachay (Sherpa), 04. Kamal Sinha, 05. Puran Thami, 06. Keshar Rai, 07. Dawa Sangey Sherpa, 08. Suraj Singh, 09. Kismat Chhettri, 10. Alok Kantamoni Thulung, 11. Sanjoy Tamang, 12. Bhanu Rai, 13. Amol Lama, 14. Nagendra Pradhan, 15. Ashis Tamang, 16. Sona Sherpa, 17. Dinesh Gurung @ Karate Kaila, 18. Babita Ganguly, 19. Naresh Rai, 20. Prabin Subba, 21. Sunil Rai, 22. Prasant Chhettri @Yogen and 23. Sudesh Rai

Majhi and 24. Puran Rai @ Puran Bahadur Rai.

Prima facie case under **Sections 147/148/149/427/506/302 of the Indian Penal Code/120B of the Indian Penal Code** has been made out against the accused persons, namely, 25. Asha Gurung, 26. Rabin Subba, 27. Anita Lakhandri, 28. Sandhya Gurung, 29. Kabita Dahal, 30. Miss. Urmila Rumba, 31. Jiten Tamang, 32. Pema Tshering ola, 33. Sushma Rai, 34. Dipen Malay, 36. Khagen Tamang, 27. Ruden Sada Lepcha, 38. Edwin Sanchabir Subba, 39. Ranjit Rai and 40. Gautam Tamang.

Prima facie case **under Sections 150/506/302 of the Indian Penal Code/120B of the Indian Penal Code** has been made out against the accused persons, namely, 41. Bimal Gurung, 42. Roshan Giri, 43. Binoy Tamang, 44. Devendra Sharma, 45. Harka Bahadur Chettri, 46. Pradeep Pradhan and 47. Col. Ramesh Alay.

Accordingly, the contents of the charge was read over and explained to the accused persons individually to which they pleaded not guilty by saying “*kasur chhaina (not guilty)*”.

The charge is framed in a separate sheet and let it be kept with the record.

Fixing **23.07.2023** for evidence of CSW-1, production of the accused person from the J.C and appearance of the accused persons who are on bail.

Accused persons, on Court bail, are as before.

Case diary be returned.

Issue summons accordingly.

Put requisites.

At this juncture the attention of this court is drawn to the Order dated 16.08.2017 passed by the Hon’ble Supreme Court of India in Transfer Petition (Criminal) No. 238 of 2017. On bare perusal of the said order, specifically paragraph 05, it appears that the Hon’ble Apex Court has been pleased to observe as follows:

‘5. We accordingly direct the learned trial Court to hold the trial in Sessions Case No. 128 of 2013 pending before the Court of Chief Judge-in-charge, City Sessions Court, Calcutta mainly by video conferencing for which facilities shall be duly set up in Calcutta and Darjeeling. If the learned Trial Judge is of the opinion that physical presence of a particular witness or accused is necessary before the Court at Calcutta, he shall make a specified order to that effect giving sufficient time to the person to appear before the Court.’

The Hon’ble High Court at Calcutta has *vide* Notification No. 3097-G dated 16.12.2021, published in the Kolkata Gazette on 24.12.2021; framed the Rules for Video Conferencing for Courts. Consequently upon analogous reading of the solemn direction of the Hon’ble Supreme Court of India in Transfer Petition (Criminal) No. 238 of 2017 as well as the Rules for Video Conferencing for Courts of the Hon’ble High Court at Calcutta, this court has no hesitation to hold that for this present case record, the City Sessions Court, Calcutta is the ‘Court Point’.

In consideration of the fact that there has been no specific petition made from the end of the defense in consonance with the direction of the Hon’ble Supreme Court of India mentioned hereinabove, this court in terms of Rule 5.3.2 of the Rules for Video Conferencing for Courts, is of the considered view that the District Court at Darjeeling is the best fit location for acting as the ‘Remote Point’ for the trial of this case record. Needless to mention in this respect that in

consideration of the sensitive nature of the case record, this court is of the view that the District Court at Darjeeling is the best location to be used as a remote point to rule out possibility of any foul play.

Accordingly in consideration of the facts and circumstances of the case, this Court hereby appoints Shri Sourav Roy, Learned Registrar, City Sessions Court, Calcutta to act as 'Court Point Coordinator' in this case record.

Let a copy of this order be communicated to Ld. District Judge, Darjeeling with a request to appoint a 'Remote Point Coordinator' for this case record till its conclusion and communicate the same to this Court. Such communication to the Ld. District Judge, Darjeeling should include the contact details and email id of the Court Point Coordinator for establishing necessary communication with the Remote Point Coordinator.

It is directed that trial via video conferencing in this case record would be done using the 'Google Meet' Platform, link whereof would be created by the Court Point Coordinator and communicated to the Remote Point Coordinator in advance. The accused persons are accordingly directed to appear before this court, in this case record on all dates, via video conference from the Remote Point so fixed by the Ld. District Judge, Darjeeling; unless this court otherwise directs.

Let a copy of this order sheet be sent to the Superintendent of Presidency Correctional Home for production of the accused person.

D/C. by me.

Sd/-
Chief Judge
City Sessions Court, Calcutta.

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Chief Judge
City Sessions Court, Calcutta.