

**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. 02 dated 23.07.2025**

Today is fixed for evidence of CSW-1, production of the accused person from the J.C and appearance of the accused persons who are on bail.

The accused person, namely, 24. Puran Bahadur Rai @ Puran Rai, is not produced before this Court.

Non-production report of the accused 24. Puran Bahadur Rai @ Puran Rai is received from Superintendent, Presidency Correctional Home. Perused the same. Let it be kept with the record.

The accused persons 46. Pradeep @ Bhupendra Pradhan and 31. Jiten Tamang are absent by petition and being represented under Section 317 of the Cr.P.C. through their Ld. Advocate.

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, 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, and 47. Col. Ramesh Alay, on Court Bail, are present in Court through virtual mode.

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

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

Ld. Special Public Prosecutor (CBI) has filed a petition along with a report.

On perusal of the petition and the report, it appears that the CSW-01 Laxman Pradhan has already expired on 03.05.2024.

Attested copy of the death certificate of Laxman Pradhan is also filed. Let it be kept with the record.

Four scanned copy of vakalatnams have been filed on behalf of the accused persons. Let those be kept with the record.

Accordingly, the Ld. Advocates are directed to send the four original vakalatnams before this court.

One scanned copy of petition is filed on behalf of the accused Dawa Sangay Sherpa, Harka Bahadut Chettri, Devendra Sharma, Keshar Rai and Nagendra Pradhan praying for supplying the copies of sketch map, statement of witnesses u/s 164 of the Cr.P.C. and entire seizure list.

Heard both sides. Considered. The prayer is allowed.

Accordingly, the prosecution is directed to supply following documents by the next date fixed positively :-

1. the copies of sketch map,
2. statement of witnesses u/s 164 of the Cr.P.C. and
3. entire seizure list.

Another scanned copy of petition is filed on behalf of the accused persons praying for engaging a translator (Nepali to English) as some witnesses are not conversant with the language of the Court.

Let the petition be kept with the record.

It appears from the order no. 186 dated 26.07.2024 that the accused Bimal Gurung is directed to remain present within the jurisdictional limits of Kolkata Police and the accused shall not leave the jurisdiction of Kolkata Police until trial is over except with prior leave of this court.

In view of such direction, the accused Bimal Gurung is directed to follow the directives of this court issued vide order no. 186 dated 26.07.2024.

Fixing **25.08.2025** for evidence of CSW-03 Amal Labha, **production of the accused 24. Puran Bahadur Rai @ Puran Rai**, appearance of the accused persons who are on bail and hearing of the petition regarding engagement of Nepali-English Translator.

The accused persons, on bail, are as before.

Put requisites at once.

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.

**Accused Bimal Gurung is directed to follow the directives issued by this Court vide order no.186 dated 26.07.2024.**

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

Dictated and corrected by me

Sd/-  
Chief Judge  
City Sessions Court, Calcutta.

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Chief Judge  
City Sessions Court, Calcutta.