

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. 04 dated 25.08.2025

1. Today is fixed for evidence of CSW-03 Amar Lama, production and appearance of the accused persons and hearing of the petition regarding engagement of Nepali-English Translator.
2. The accused person, namely, Puran Bahadur Rai @ Puran Rai, is produced before this Court physically.
3. The accused persons, namely, Roshan Giri, Bimal Gurung, Dipen Maley and Prabin Subba, on court bail, are present before this Court physically.
4. The rest accused persons, namely, Keshav Raj Pokhrel, Arun Moktan, Tenzing Khambachay (Sherpa), Kamal Sinha, Puran Thami, Keshar Rai, Dawa Sangey Sherpa, Suraj Singh, Kismat Chhettri, Alok Kantamoni Thulung, Sanjoy Tamang, Bhanu Rai, Amol Lama, Nagendra Pradhan, Ashis Tamang, Sona Sherpa, Dinesh Gurung @ Karate Kaila, Babita Ganguly, Naresh Rai, Sunil Rai, Prasant Chhettri @Yogen, Sudesh Rai Majhi, Asha Gurung, Rabin Subba, Anita Lakhandri, Sandhya Gurung, Kabita Dahal, Miss. Urmila Rumba, Pema Tshering ola, Sushma Rai, Khagen Tamang, Ruden Sada Lepcha, Edwin Sanchabir Subba, Ranjit Rai, Gautam Tamang, Binoy Tamang, Devendra Sharma, Harka Bahadur Chettri, and Col. Ramesh Alay, on Court Bail, are present in Court through virtual mode from the Remote Point at Darjeeling Court.
5. CSW-03 Amar Lama is present today.
6. Ld. Special Public Prosecutor for the CBI and the Ld. Advocates for the accused persons are present before this Court.
7. Hazira of the accused persons are received from the Ld. Civil Judge, Sr. Divn.,-cum-Remote Point Coordinator, Darjeeling. Let the same be kept with the record.
8. Now, the case record is taken up for evidence in camera.
9. CSW-03 Amar Lama is examined as PW-1 by the Ld. Special Public Prosecutor for the CBI and he is cross examined by the Ld. Advocates for the accused persons in full. Hence, he is discharged.
10. During the course of examination, two photocopies of Darjeeling PS case no. 98 of 2009 dated 07.09.2009 and 99 of 2009 dated 07.09.2009 are marked as X and Y for identification respectively.
11. As per Gazette Notification dated 15.07.2022, the certified true copies of the deposition of PW-1 is handed over to all sides after obtaining endorsement in the relevant register.
12. Ld. Special Public Prosecutor for the CBI submits that he wants to adduce evidence of CSW-04 on the next date fixed.
13. Heard. Considered. The prayer is allowed. Fixing **31.10.2025** for recording evidence of CSW no -04.
14. Issue summons accordingly.

15. One petition is filed on behalf of the accused persons praying for allow examination of witnesses from the Remote Point at Darjeeling Court.
16. Ld. Special Public Prosecutor for the CBI raises objection.
17. Heard. Considered.
18. The Hon'ble Apex Court in Transfer Petition no. 238 of 2017 has been pleased to hold that – *“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 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.”*
19. In view of the solemn direction of the Hon'ble Apex Court, if the witness is filed an application for adducing evidence thorough video conference, then only he can be permitted to examine through video conference from Remote Point at Darjeeling Court if such application gestates merit.
20. Hence, the petition stands disposed of.
21. Here we may profitable to refer to the Rule 6 of “Rules for Video Conferencing for Courts” of our Hon'ble High Court published in Notification No. 3097-G-dated the 16th December, 2021.
22. One petition has been filed on behalf of the Bimal Gurung praying for relaxing or modifying the conditions imposed upon him vide order no. 186 dated 26.07.2024 passed by this Court.
23. Ld. Special Public Prosecutor for the CBI raises vehement objection.
24. Heard. Considered.
25. I have carefully perused the case record.
26. It appears to me that the Hon'ble Court has been pleased to direct that – *“all the 22 petitioners shall, within a week from this date (on or before December 21, 2016) surrender before the learned Chief Judge, City Sessions Court, Calcutta, if not are arrested in the meantime. If arrested by the police (CBI), they shall be released on P.R. Bond to the satisfaction of the arresting officer on condition that they shall surrender before the trial court within three days thereafter and on their surrender they shall be released on regular bail to the satisfaction of the learned Chief Judge, City Sessions Court, Calcutta, on executing a bond of Rs. 10,000/- each of two sureties of Rs. 5,000/- each, one of whom must be local. If not arrested within the above period, i.e., by December 21, 2016, the petitioners shall surrender before the trial court, i.e., the learned Chief Judge, City Sessions Court, Calcutta on same terms and conditions.”*
27. It also appears from the record that this Court has enlarged the accused person on bail with certain terms and conditions as per direction of the Hon'ble Court.
28. The Hon'ble Apex Court in Transfer Petition no. 238 of 2017 dated 16.08.2017 has been pleased to hold that – *“Shri P.S.Narasimha, learned Additional Solicitor General appearing for the C.B.I. and Shri Kapil Sibal, learned counsel for the State of West Bengal today stated that video conferencing is an acceptable option in the circumstances of the*

case. They, however, submitted that every witness and every accused need not be present in the Court on all dates. the learned counsel Instead certain according to numbers of specified accused may be directed to appear in Court at Calcutta on specified dates and when the corresponding witnesses to the accused submissions are relevant are being examined. These undoubtedly reasonable and practicable.”

29. Needless to mention that all the accused persons in a particular case should be treated with uniformity. In our case, all the accused persons are appearing before this Court in virtual mode from the remote point, being the District Court at Darjeeling.
30. This being the situation borrowing sapience from the observation of the Hon’ble Apex Court dated 16.08.2017 made in Transfer Petition (Criminal) no. 238 of 2017, this Court does not find any justification in responding to the prayer made by the accused Bimal Gurung in the **negative**.
31. Accordingly, the last part of condition imposed upon the accused Bimal Gurung vide order no. 186 dated 26.07.2024 as specified in column (3) to the effect that “the accused/petitioner shall not leave the jurisdiction of Kolkata police until the trial is over, except with prior leave of this Court” is hereby modified with a liberty to the accused to appear before this Court in virtual mode from the remote point, being the District Court, Darjeeling in strict adherence to the “Rules for Video Conferencing for Courts” published in Notification No. 3097-G-dated the 16th December, 2021 with a condition to appear in person before this Court as and when directed.
32. Accordingly, the petition stands disposed of.
33. One petition is filed by the CBI with a prayer to submit the case exhibits to the CFSL, Kolkata.
34. Heard. Considered. The prayer is allowed for the sake of proper adjudication of this case.
35. The CBI is permitted to submit the case exhibits to the CFSL, Kolkata for analysis of the same.
36. Fixing **31.10.2025** for production & appearance of the accused persons, hearing of the petition regarding engagement of Nepali-English Translator and evidence of CSW-4.
37. Accused persons, on bail, are as before.
38. The accused Puran Rai is remanded to JC till next date.
39. 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.’

40. 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'.
41. 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.
42. 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.
43. 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 untill 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.
44. 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.
45. Let a copy of this order sheet be sent to the Superintendent of Presidency Correctional Home for production of the accused person.

Dictated & corrected by me,

Sd/-
Chief Judge
City Sessions Court, Calcutta.

Sd/-
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