

S.T. NO.01(07) OF 2022
SESSIONS CASE NO.15 OF 2020
(CNR - WBCS01-000301-2020)
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order No.73 dated 08.01.2024

Today is fixed for hearing of the petition dated 06.06.2023 praying for not to proceed with the trial in view of the order of Hon'ble Calcutta High Court in the case of State Vs. Jayeeta Das filed on behalf of the accused nos.(A-2) and (A-3) and hearing of the petition dated 20.06.2023 filed on behalf of the accused nos.(A-2) and (A-3) with a prayer for alteration of the charges against the accused/petitioners.

The Accused person nos.(A-1) and (A-10) are produced before this Court from J.C.

The Accused person nos.(A-2), (A-3) and (A-5) on Court Bail are present in Court by filing hazira.

Ld. Counsels for the accused persons and Ld. Special P. Ps. are present.

No order of stay of Hon'ble Supreme Court has yet been filed on behalf of the Prosecution.

Prosecution filed a petition along with a CIS copy of case status details of Diary No.25603/2023 filed on 03.07.2023 down loaded from the official website of the Hon'ble Supreme Court of India and stated that the SPL (Criminal) 7880 of 2023 is pending before the Hon'ble Supreme Court of India and date of hearing of the same matter has been fixed on 22.01.2024 before the Hon'ble Supreme Court of India and therefore it is prayed for an adjournment.

Ld. Counsels for the accused persons vehemently raised objection to the prayer for adjournment and submitted that there is no order of stay of the Hon'ble Supreme Court of India in SPL (Criminal) 7880 of 2023 and therefore the Ld. Counsels for the accused persons pray for proceeding with the trial of this case.

Ld. Special P.P. also concedes to the submissions of the Ld. Counsels for the accused persons that no stay has yet been granted by the Hon'ble Supreme Court of India and leaves the matter upon the discretion of this Court.

Perused the CIS copy of case status details of Diary No.25603/2023 of the Hon'ble Supreme Court of India wherefrom it is explicit that tentatively the next date for hearing has been fixed on 22.01.2024 before the Hon'ble Supreme Court of India.

On perusal of the case record it is explicit that it is a long pending case and two of the accused persons are in custody and there is no order of stay of the Hon'ble Supreme Court of India.

Considering all these factual aspects, this Court is of the view that there is no impediment to proceed with the trial of this case.

In view of such fact, hearing of the petition dated 06.06.2023 praying for not to proceed with the trial in view of the order of Hon'ble Calcutta High Court in the case of State Vs. Jayeeta Das filed on behalf of the accused nos.(A-2) and (A-3) and hearing of the petition dated 20.06.2023 filed on behalf of the accused nos.(A-2) and (A-3) with a prayer for alteration of the charges against the accused/petitioners be kept in abeyance till the order passed in SPL (Criminal) 7880 of 2023 before the Hon'ble Supreme Court of India on submission of both sides.

Continued....

Continued order no.73 dated 08.01.2024

Having heard both sides, prayer for adjournment is considered and allowed for today and date be fixed for trial of this case.

Accordingly, fix **07.02.2024** for further examination in chief of P.W.2 namely Sukanta Das
Issue summons at once.

Requisites at once.

The Accused person nos.(A-1 and 10) are remanded to J.C. till 07.02.2024.

The Accused person nos.(A-2, 5 and 3) are as before.

D/C by me.

Sd./-

Chief Judge
City Sessions Court, Calcutta

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