

Sessions Case No. 124 of 2013

Order No. 27 dated 18. 01. 2018 :-

Today is fixed for evidence of all remaining witnesses as a last chance.

Accused person, namely, Ati Rahman @ Bablu on court bail did not appear before the court today and filed a petition under Section 317 CrPC.

No witness is turn up today on repeated calls. It is now 1 p.m.

Ld. PP and Ld. Advocate for the accused person are present. Ld. PP filed a petition praying for adjournment wherein he has stated 'on last occasion IO, SI-A.S. Giri was present before your Ld. Court but due to serious illness he is unable to appear before your Ld. Court today as he is presently resident of Midnapur and had also retired from service and is praying for condone of his absence'. He has further mentioned in his petition that 'the other witness are also absent today and no report has been filed before your Ld. Court, today'.

Heard. Considered.

it is found from the record as well as from the order-sheets that charge was framed against the accused person under Sections 399/402 of IPC and Arms Act on 27. 01. 2016. Thereafter, only one witness, namely, Goutam Karmakar (Complainant) was examined and cross-examined as PW-1 on 22. 07. 2016. Since then no witness is turned up and Ld. PP filed petitions praying for adjournment on different dates and on different plea. So, for last 19 months prosecution did not produce not a single witness for adducing evidence and proceed the trial of this case. Subsequently, the accused released on bail vide order dated 06. 01. 2017.

Today, Ld. PP also filed petition with folded hand and prayed for mercy.

It is very unfortunate that prosecution did not take any step to proceed the case in further. There is no communication in between the IO of the case and the Ld. PP. The trial of this case is delayed due to this unexpected situation.

Considering the facts and circumstances of this case and conduct of the Ld. PP, I have no other alternative but give a last opportunity to the prosecution.

Fixing: 23. 03. 2018 for evidence of CSW-2, namely, Md. Akbar Ali, in default, the case will be close automatically and examination of accused person under Section 313 CrPC will start, accordingly.

Prosecution is directed to bring witness along with the alamats on the date fixed, positively at 10.30 a.m.

IO shall remain present on the date fixed.

Accused person is directed to appear on the date fixed without fail and as before.

Dictated & corrected by me.

Addl. Dist. & Sessions Judge
1st Fast Track Court, Calcutta

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18. 01. 2018

