

In the Court of Addl. Dist. & Sessions Judge,
2nd Fast Track Court, Bichar Bhavan, Calcutta.

S.C. No. 76 of 2011

State – vs. - Akhil Chandra Ghosh @ Akhil @ Ani Ghosh @ Ajit Da and others.

Order No. 41

Date : 07.01.2021

Today is fixed for report from D.G./I.G., Correctional Home Services, West Bengal.

Ld. Spl. P.P. in charge is present and files his hazira.

Ld. Defence Counsel is present.

No report of I.G. Correctional Home Services, W.B in compliance with the order dt 17.12.2020 is received by this Court.

On careful perusal of the case record, it appears that D.G./I.G., Correctional Home was directed by the predecessor of this office of this Court not to shift the accused persons of this case from one Correctional Home to another Correctional Home without permission of this Court vide Order No. 80 dated 30.03.2017.

Ld. Defence Counsel drew the attention of this Court, which was also manifested from the custody warrant that the accused persons were shifted from one Correctional Home to another, ignoring the embargo created upon the correctional home authorities from shifting accused persons of this case from one correctional home to another.

It appears from the case record that this case is pending since 2011 and till date charge could not be framed against the accused persons due to various reasons.

Rejecting the application of bail of the accused namely Akhil Chandra Ghosh @ Akhil @ Ani Ghosh @ Ajit Da, Hon'ble Court in **CRM No. 2527 of 2017 directed this Court to proceed strictly with the trial at day to day basis after framing of charge.** But it is very much unfortunate that this Court could not even frame charge yet against the accused persons, faraway trial.

Until and unless charge is framed, trial is lying at a great distance. This Court is duty bound to follow and comply with the direction of Hon'ble Court as stated above to proceed with the trial at a day to day basis after framing of charge at the earliest.

In view of such, the I.G., Correctional Home Services, West Bengal is directed to send the report as stated above before this Court by 22.01.2021. The D.G./I.G., Correctional Home Services, West Bengal is also directed to assure the presence of all the undertrial prisoners namely, Bimal Mallick @ Bachhu @ Shankar from Midnapore Correctional Home, accused Kalpana Maity @ Anu from Bankura Correctional Home, accused Akhil Chandra Ghosh @ Akhil @ Ani Ghosh @ Ajit Da from Dum Dum Correctional Home and accused Barun Sur @ Bidyut @ Sahin from Presidency Correctional Home, Alipore positively on 22.01.2021.

Ld. Spl. P.P. as well as Ld. Advocates of the accused persons are directed to remain present positively on 22.01.2021 on which day charge shall be framed against all the accused persons.

Inform both sides accordingly. Stenographer attached to this court is directed to upload this order in the CIS positively so that the matter may come to the notice of both sides.

Let a copy of this order along with the previous order passed by this court be sent to the D.G/I.G., Correctional Home Services, West Bengal for information and taking necessary action in strict compliance of the order of this court.
Dictated & corrected by me.

Addl. Dist. & Sessions Judge
2nd Fast Track Court,
Calcutta.

Addl. Dist. & Sessions Judge
2nd Fast Track Court,
t Calcutta.

Memo No.

Date

Copy forwarded to the D.G/I.G., Correctional Home Services, West Bengal for his information and necessary action.

Addl. Dist. & Sessions Judge
2nd Fast Track Court,
Calcutta.