

Spl. Case No. 9 of 2014

Order No. 81

Date : 24.07.2018 -

Today is fixed for order of petition U/s. 205 of Cr. P.C. filed by the Ld. Defence counsel praying for dispensation of attendance before court of four accuseds namely Shukla Kundu, Shri Sagnik Kundu, Shri Narayan Chandra Kundu and Shri Sarat Kumar Rarhi. The date was also fixed for hearing of petition filed by the prosecution for passing interim attachment order of the seized articles of this case and appearance of the accused persons.

Out of five accused persons on CB only Netai Kundu is present and files hazira. The rest four accuseds are absent by petition.

The petition was heard from both sides on previous date.

It is submitted by Ld. Defence counsel that accused Sarat Kumar Rarhi and Narayan Chandra Kundu are very aged persons and suffering from ailments. So their attendance may be dispensed with and accused Sagnik Kundu is the medical practitioner, so for the sake of his profession he may be enlarged on such petition and Sukla Kundu being the chronic patient of neurology. She also would be given liberty U/s. 205 of Cr. P.C.

Ld. P.P. raised objection against the prayer for Sukla Kundu and Sagnik Kundu but did not raise any objection for those two aged persons.

Consider the submission of both sides.

I am of view that the personal attendance may be dispensed with for those two aged persons, but considering the reasons for two other accuseds namely Sukla Kundu and Sagnik Kundu I am of view that should not be allowed for the ends of justice.

Thus, the prayer is allowed in part. But it is directed upon all the accused to appear on the date of plea, 313 Cr. P.C. and judgement positively and as and when call for by this court.

The other prayer for attachment is heard.

Fix **03.09.2018** for order and appearance.

Accused as before.

D/C by me :

Addl. Dist. & Sessions Judge,
Bench – II