

GR(S)/1063/2022

CNR NO. WBCS02-135985-2022

Arising out of Hare Street PS Case No. 260 dated 13.09.2022

Present :

Koustuv Mukhopadhyay

Chief Judicial Magistrate, Calcutta

J.O Code – WB01059

Order dated : 05.10.2024

Today is fixed for further evidence and cross examination of PW-29 Rajesh Kumar Sharma is going on since long.

Five accused persons are in custody and they are produced.

Two accused persons are on CB.

Out of them one named Mahesh Fogla is present and petition u/s 317 of Cr. P. C is filed on behalf of accused Monideepa Banerjee which is considered and allowed.

The evidence of PW-29 commenced on 12.08.2024 and cross-examination begun on that day itself.

Thereafter, cross-examination took place on 23.08.2024, 06.09.2024 and 10.09.2024.

In the meantime few dates have passed where due to unforeseen situations evidence could not be taken.

The witness Rajesh Kumar Sharma is present and on last occasion ie 10.09.2024 his cross-examination on behalf of accused no. 8 commenced.

Today's date is fixed after consulting all the participating accused and Ld. PP.

In spite of that a time prayer has come from the side of accused no. 8 on the ground that Ld. Conducting Advocate is unable to come for having fever and ill health.

Gone through the time petition consisting of four paragraphs which is objected from the side of the prosecution.

The time prayer does not appear to be self explanatory and is not supported by any kind of supporting documents.

The time prayer seems to be prepared in a mechanical way and routine manner.

It is unfortunate that this court in spite of its diligent efforts could not conclude the evidence.

This is a very sensitive and serious case which is apparent from the fact that five accused persons are still in custody since long and one accused named Mahesh Fogla has obtained bail from Hon'ble Apex Court of India.

As a custody trial is going on and there is solemn direction of the Hon'ble Court to dispose of the case preferably within 31.12.2024, I am unable to allow such time petition which to the best of my senses seems to have been prepared in the most mechanical manner devoid of any substance.

Accordingly, I am compelled to reject the prayer for time.

As cross-examination from the side of other accused persons are either complete or foregone, there is only accused no. 8 who is left to cross examine this witness.

As the time prayer is rejected, the evidence of PW-29 is closed.

The next date is fixed on 19.10.2024 for evidence of CSW-5 (as per charge sheet no. 3 named Arijit Mitra).

D/C

Chief Judicial Magistrate
Calcutta.