

In the Court of the Senior Municipal Magistrate Kolkata

Present :

Surajit Mandal,
J O Code (UID No.)-WB993
Senior Municipal Magistrate,
Kolkata, Dist.- Kolkata
Case No:-1265 of 2017

CNR No.-WBCS03-004518-2016

State

vs.

Asgar Ali @ Akbar Ali @ Monda and Sabana Khatun.

Order No: 31

28.03.2022

Today is fixed for further evidence.

Both accused persons on court bail are absent by filing a petition praying for proceeding the case in his absence represented by their pleader under section 317 Cr.P.C as they could not turn up due to sudden indisposition.

Heard.

Other side has raised no objection.

Upon such consideration and hearing it is sprouted that the progress of the trial can be achieved even in the absence of the absentee accused and as such the personal attendance of the absentee accused before the Court today is dispensed with as they are represented by the pleader in the interest of justice on condition that they would not dispute their identity as the particular accused in this case.

The APP is present with the witness Santanu Chakraborty. He is examined as PW-03, cross-examined in full and discharged.

During examination of PW-03 document has been marked as exhibit-08 series.

The Officer-in-Charge, Ekbalpore P.S duly forwarded one report submitted by Y Sarkar of Ekbalpore P.S stating that summons upon CSW-03, Sk. Aslam could not be served as he is not found at the given address and the summons was affixed on the door of given address. But he did not turn up before the Court today.

On repeated calls no steps are taken on his behalf and as such issue bailable witness warrant of arrest of Rs. 1000/- against CSW-03, Sk. Aslam.

At this stage another report is received from the Officer-in-Charge, Ekbalpore P.S wherein it has been stated that summon could not served due to the summonee CSW-02, Md. Ali expired and in support of that a copy of death certificate also annexed with his report.

Heard.

Perused the report and copy of death certificate of witness CSW-02, Md. Ali.

Considering the ground and on perusal of the death certificate the name of witness **CSW-02, Md. Ali is expunged.**

No other witness is turn up before the Court today.

Hence the case is adjourned for the ends of justice.

BC-II is directed to issue bailable witness warrant against CSW-03, Sk. Aslam and issue summons upon rest of the CSWs at once.

To 04.06.2022 for further evidence.

D/C by me

Senior Municipal Magistrate,
Kolkata, Dist.- Kolkata

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