

Special GR 26/22
(Reg. No. 44/22)

Order no. 12
dt. 11.10.23

The Ld. Special PP is present.

All the 04 accused are absent by petition.

They file a petition thereby stating that there is no prima facie materials regards to the commission of the alleged offence in the CD, and for which the accused persons should be discharged u/s 227 of Cr.P.C. Hence, the petition.

Copy served.

The Ld. Lawyer for the accused persons submits before the Court that the materials available in the CD do not indicate the presence of any material prima facie enough to frame the charge against the accused persons. He submits further that continuation of the proceeding will serve no purpose.

Per contra, the Ld. Special PP submits with vehemence that there is strong prima facie case made out in the CD against the accused persons.

The close perusal of the CD and the other materials on record reveals the prima facie materials showing the commission of the offence alleged by the accused persons. At this stage this Court is abide to see only whether there is prima facie materials sufficient enough to go with trial by framing charge against the accused persons. Since it is already found that there is prima facie materials available in the CD showing the commission of the alleged offence, I do not find any merit of the instant petition for discharge.

Hence, the instant petition for discharge u/s 227 of Cr.P.C. filed by the accused persons is considered and rejected.

Copy is ready and supplied to the accused persons.

To 22.11.23 for charge.

All the accused to remain present in person on the next date positively.

Return CD.

D/C by me,
Sd/-

Sd/-

Judge , Spl. Court,
Under SC & ST (POA) Act,Dlg

Judge, Special Court,
under SC & ST (POA) Act,
Darjeeling.