

Order No. 37
Dt. 29.04.2022.

Today is the last date fixed for evidence during 2 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. PP in charge is present with no witness.

Ld. defence counsel is present.

Received SR of summons after duly service upon CSW 1, 2, 3 & 4 but none of them turned up before the Court for their evidence during the present 2 days schedule. So considering their conduct there is no other alternative but to issue WWA against them to secure their appearance before the Court on the next date for evidence.

Issue WWA bailable of Rs. 1000/- each against CSW 1, 2, 3 & 4.

Fix. 20.06.2022 for appearance of accused and ER of WWA and evidence of CSW 1, 2,

Fix. 21.06.2022 for appearance of accused and ER of WWA and evidence of CSW 3, 4.

Prosecution to ensure production of witness on the date fixed.

.....
D/c by me

.....Sd/-.....
ADJ Ksg.

Order No. 38
Dt. 20.06.2022.

Today is the date fixed for evidence during 2 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. PP in charge is present with 01 witness.

Ld. defence counsel is present.

CS witness Sabina Singh is examined, Cross examined in full as PW 2 and discharged. She exhibited her written complaint as Exhibit 2.

No other witnesses is present today.

To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 39.
Dt. 21.06.2022.

Today is the last date fixed for evidence during 2 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. PP in charge is not present.
Ld. defence counsel is present.
No witnesses is present today inspite of WWA bailable of Rs. 1000/- each were issued against them.
So issue non bailable WWA against CSW 2, 3 & 4.
Fix. 18.08.2022 for appearance of accused and ER of WWA and evidence of CSW 2, 3, 4.
Prosecution to ensure production of witness on the date fixed.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 40.
Dt. 18.08.2022.

Today is the last date fixed for evidence during 2 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. PP in charge is present 2 witnesses.
Ld. defence counsel is present.
CS witness Prakash Sankar and Poonam Sankar are examined, cross examined in full and discharged as PW 3 & 4 respectively. PW 3 identified his signature on the seizure list as Exhibit 3, PW 4 Identified her signature on the seizure list as Exhibit 3/1 and the zimmanama as Exhibit 4.
No other witness is present today.
Fix. 12.09.2022 for appearance of accused and evidence of CSW 3.
Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019
Order No. 41.
Dt. 12.09.2022.

Today is the date fixed for appearance of accused and evidence of CSW 3.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. PP in charge is present no witnesses.
Fix. 13.09.2022 for appearance of accused and evidence of CSW 3.
Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 42.
Dt. 13.09.2022.

Today is the date fixed for appearance of accused and evidence of CSW 3.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. PP in charge is present 1 witnesses.

CSW 3 the VG is examined, cross examined in full as PW 5 and discharged. She identified and exhibited her statements U/s 164 CrPC as Exhibit 5.

No other witness is present today

Fix. **09.11.2022** for appearance of accused and evidence of **CSW 5, 6, 8**

Fix. **10.11.2022** for appearance of accused and evidence of **CSW 9, 10, 11**

Fix. **11.11.2022** for appearance of accused and evidence of **CSW 12, 13, 14**

Issue summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 43.
Dt. 09.11.2022.

Today is the 1st date fixed for appearance of accused and evidence during 3 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. PP in charge is present 2 witnesses.

CSW 8 Sarita Pradhan and CSW 6 Pushpa Gurung are examined, cross examined in full as PW 06 and 7 respectively and discharged.

No other witness is present today

To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 44.
Dt. 10.11.2022.

Today is the 2nd date fixed for appearance of accused and evidence during 3 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. PP in charge is present 1 witnesses.
CSW 11 LASI Sapna Rai is examined, cross examined in full as PW 8 and discharged.
No other witness is present today
To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Order No. 45.
Dt. 11.11.2022.

Today is the last date fixed for appearance of accused and evidence during 3 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. PP in charge is present 1 witnesses.

CSW SI Indra Lama is examined, cross examined in full as PW 9 and discharged.

No other witness is present today

Fix. **07.02.2023** for appearance of accused and evidence of **CSW 5, 9, 10**

Fix. **08.02.2023** for appearance of accused and evidence of **CSW 12, 14, 15.**

Issue summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 46.
Dt. 07.02.2023

Today is the 1st date fixed for appearance of accused and evidence during 2 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. Spl PP in charge is absent but one witness Kalyani Chettri is present.
The Ld. Defence counsel is absent by petition praying for an adjournment on the grounds stated therein.
Prayer for adjournment is considered and allowed.
The present witness Kalyani Chettri is released without examination.
To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 47.
Dt. 08.02.2023

Today is the last date fixed for appearance of accused and evidence during 2 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. Spl PP in charge is present with no witness.
Received a telemesssage from CSW 12 SI Somenath Patwari of Karandighi PS reporting that due to his engagement in L/O Duty he is unable to attend before this Court today.
General plea of engagement in L/O duty is nothing but a vague and avoiding plea by the police personells to appear before the Court on the date of their evidence.
So the prosecution case will be closed on the next date if the said witness again approaches the Court in the same fashion and responsibility about the fate of the case will be fixed on the said police officer.
Fix. **22.03.2023** for appearance of accused and evidence of **CSW 5, 9, 10**
Fix. **23.03.2023** for appearance of accused and evidence of **CSW 12, 14, 15.**
Issue fresh summons accordingly.
Prosecution is directed to produce the witness on the date fixed ID prosecution evidence will be closed.
To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 48.
Dt. 22.03.2023

Today is the 1st date fixed for appearance of accused and evidence during 2 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. Spl PP in charge is present with 1 witness.
CSW Kalyani Chettri is examined, cross examined in full as PW 10 and discharged.
No other witness is present today.
To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 48.
Dt. 22.03.2023

Today is the 1st date fixed for appearance of accused and evidence during 2 days schedule.
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. Spl PP in charge is present with 1 witness.
CSW Kalyani Chettri is examined, cross examined in full as PW 10 and discharged.
No other witness is present today.
To date.

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D/c by me

.....Sd/-.....
ADJ Ksg.

Spl 04 of 2019

Order No. 49.
Dt. 23.03.2023

Today is the last date fixed for appearance of accused and evidence during 2 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present with 1 witness SI Rohita Lama.

But the Spl PP incharge submitted that till the first IO of this case has not been examined this witness as the last IO of this case cannot be examined.

So the present witness SI Rohita Lama is released today without her examination.

Fix. **24.04.2023** for appearance of accused and evidence of **CSW 5, 10, 12**

Fix. **25.04.2023** for appearance of accused and evidence of **CSW 14, 15.**

Issue fresh summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

To date.

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D/c by me

.....Sd/-.....
Special Judge POCSO
Kurseong.

Spl 04 of 2019

Order No. 50.
Dt. 24.04.2023

Today is the 1st date fixed for appearance of accused and evidence during 2 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present with no witness.

Received unserved SR of summons in respect of CSW 10 Kripa Chettri with a report that summons could not be served upon the witness as she is out of station.

To date.

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D/c by me

.....Sd/-.....
Special Judge POCSO, Kurseong.

Spl 04 of 2019

Order No. 51.
Dt. 25.04.2023

Today is the last date fixed for appearance of accused and evidence during 2 days schedule.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present with no witness.

Received unserved SR of summons in respect of CSW 5 Bina Singh with a report that summons could not be served upon the witness as she had already died.

Note in the CS accordingly.

Ld. Special PP in charge submits that he got information from CSW 14 LSI Rohita Lama that due to her illness she could not appear before this Court today for her deposition.

Fix. **17.05.2023** for appearance of accused and evidence of **CSW 12, 14, 15.**

Issue fresh summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/-.....
Special Judge POCSO, Kurseong.

Spl 04 of 2019

Order No. 52.
Dt. 17.05.2023

Today is the date fixed for appearance of accused and evidence .
Sole accused Gopal Chettri on court bail is present by filing hazira.
Ld. Spl PP in charge is present with no witness.
No SR of summons received from the concerned PS after service upon the witnesses.
Fix. **19.06.2023** for appearance of accused and evidence of **CSW 12, 14, 15.**
Issue fresh summons accordingly.
Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/-.....
Special Judge POCSO, Kurseong.

Spl 04 of 2019

Order No. 53.
Dt. 19.06.2023

Today is the date fixed for appearance of accused and evidence of CSW 12, 14, 15.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present with no witness.

Received an RT Message from SI Somnath Patwari of Karundevi PS with a report that he is unable to appear before this Court today due to his engagement in law and order duty ensuing Panchayat Election 2023.

Fix. **28.07.2023** for appearance of accused and evidence of **CSW 12, 14, 15.**

Issue fresh summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/.....
Special Judge POCSO, Kurseong.

Spl 04 of 2019

Order No. 54.
Dt. 28.07.2023

Today is the date fixed for appearance of accused and evidence of CSW 12, 14, 15.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present with no witness.

Received an RT Message from SI Somnath Patwari of Karandighi PS with a report that he is unable to appear before this Court today as he is on leave.

No SR of summons in respect of other two CSW received yet from the concerned PS.

Fix. **28.08.2023** for appearance of accused and evidence of **CSW 12, 14, 15.**

Issue fresh summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/.....
Special Judge POCSO, Kurseong.

Spl 04 of 2019

Order No. 55.

Dt. 28.08.2023

Today is the date fixed for appearance of accused and evidence of CSW 12, 14, 15.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present.

No witness is present.

Regular PO is on leave, Shri Jeetendra Gupta, Ld. ADJ, 2nd Court, Siliguri is the in charge of this Court and Office.

In view of absence of regular PO matter is adjourned today.

Fixing **27.09.2023** for appearance of accused and evidence of **CSW 12, 14, 15**.

Issue fresh summons accordingly.

Prosecution is directed to produce the witness on the date fixed.

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D/c by me

.....Sd/.....
Special Judge POCSO, Kurseong.
(in charge)

Order No. 56.
Dt. 27.09.2023

Today is the date fixed for appearance of accused and evidence of CSW 12, 14, 15.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP in charge is present with 1 witness.

A petition has been filed on behalf of the accused by the Ld. Junior counsel praying for an adjournment on the ground stated therein.

Received RTM from SI Somnath Patwory of Karandighi PS informing that he is unable to appear before this Court for his deposition as he is on leave.

Heard both sides counsels.

Perused the order sheet and other materials on record which goes to show that the Trial of this case commenced from 12.02.2019 but till date it is pending and cannot be concluded due to non appearance of some police witnesses particularly SI Somnath Patwory who is the 1st IO of this case.

The record also goes to show that the said 1st IO of this case SI Somnath Patwory inspite of repeated summons upon him since the end of year 2022 he did not appear before the Court for his deposition on several dates with different pretext like engagement in L/O duty, Panchayat Election, Leave etc. causing serious impediment to dispense with the justice in connection with this case under POCSO Act.

So considering such irresponsible attitude of the concerned police officer in attending Court for his evidence during trial of this case I find there is no other alternative but to pass an stringent order to ensure his appearance before the Court on the next date for his vital evidence in connection with this case as 1st IO of this case.

So issue non bailable WWA against the said irresponsible police officer SI Somnath Patwory of Karandighi PS to be executed by the IC of the concerned PS through intervention by the concerned SP of the said District Uttar Dinajpur.

Having heard the submissions of both sides counsels and considering the said facts and circumstances arising out of non appearance of the said 1st IO of this case for his evidence this date is adjourned for the ends of justice.

The present witness SI Rohita Lama the last IO of this case is accordingly released today without her examination.

Prosecution to redirect the said witnesses to appear on the next date for her evidence.

Fixing **02.11.2023** for appearance of accused and ER of WWA and evidence of **CSW 12, 14, 15.**

Issue fresh summons accordingly upon **CSW 12 & 15.**

Prosecution is directed to produce the witness on the date fixed.

Let the WWA along with a copy of this order be sent to the SP Uttar Dinajpur for his information and necessary execution of the said WWA through the IC Karandighi PS by the date fixed positively.

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D/c by me

.....Sd/-.....
Special Judge POCSO, Kurseong.

Order No. 57.
Dt. 02.11.2023

Today is the date fixed for appearance of accused and evidence of CSW 12, 14, 15.

Sole accused Gopal Chettri on court bail is present by filing hazira.

Ld. Spl PP is present with 1 witness.

CSW LSI Rohita Lama is examined, cross examined in full as PW 11 and discharged. She identified the endorsement with signature of the then IC Kurseong PS on the written complaint as Exhibit 2/1 and the formal FIR bearing his signature with official seal as Exhibit 6.

No other witness is present today.

No ER of non-bailable WWA in respect of CSW 14 SI Somnath Patowary at present posted at Karundeghi PS is received yet from the IC Karundeghi PS despite and specific order upon the IC of the concerned PS and SP of Uttar Dinajpur District to execute the non-bailable WWA with their necessary intervention.

So the IC Karandighi PS is directed to appear personally by the next date along-with his report as to why necessary steps shall not be taken against him for non compliance of Court's order and causing inconvenience to the Courts proceeding.

Since a non bailable witness warrant is pending against a police officer posted at Karandighi PS under the control and supervision of SP Uttar Dinajpur then the concerned police officer is not entitled to perform his official duty in the same police station till pendency of warrant of arrest against him.

So the SP Uttar Dinajpur is directed to take necessary departmental action against the said erring 2 police officers of Karandighi PS ie SI Somnath Patowary and the concerned IC of the PS.

He can even make an order to stop payment salary of the concerned police officer till execution of non bailable WWA against him and till his appearance before this Court of Law.

SP Uttar Dinajpur shall take immediate steps after receipt of this order and to submit report of compliance to this Court by the next date.

Fix **05.12.2023** for appearance of accused and ER of non bailable WWA and evidence of **CSW 14 SI Somnath Patowary and appearance of the IC Karandighi PS along-with his report and the report of the SP Uttar Dinajpur.**

Let a copy of this order be sent to the IC Karandighi PS for his information and necessary compliance.

Let another copy be sent to the SP Uttar Dinajpur for his information and necessary compliance report.

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D/c by me

.....Sd/-.....
Special Judge POCSO, Kurseong.