

**Spl 04 of 2019**  
Arising out of Ksg. PS Case No. 76/2019 dt.30.04.2019  
U/s 08 of POCSO Act  
State Vs. Gopal Chettri

Present: Shri Sujit Kumar Mehrotra.  
Additional Dist. & Sessions Judge,  
& Special Judge POCSO,  
Kurseong.

Order No. 69.  
Date: 28.10.2024.

Sole accused Gopal Chettri on CB is present along-with his Ld. Lawyer.

Ld. Special PP in charge is present and submits that neither the CSW 12 SI Parijat Sarkar and CSW 15 SI Somnath Patwory appeared nor any intimation is received by her.

Received compliance report from the SDPO Kurseong along-with copy of the RT message and copy of summons together with the report that the same has been served through RT message upon CSW 12 & 15.

Heard the Ld. Special PP in charge as well as the Ld. Defence counsel.

Ld. Defence counsel vehemently opposed the prayer of the Ld. Special PP in charge by submitting that more than sufficient opportunities have been given to the prosecution to examine those two police witnesses who happens to be the 1<sup>st</sup> IO and RO of this case, so the prosecution's evidence be closed.

After having gone through the entire CR and especially the previous orders I find that the then Ld. PO vide Or. No. 58 dt. 05.12.2023 finding no other way issued non bailable WWA against the CSW 15 and thereafter he appeared on 08.02.2024 and submitted his written explanation but he could not be examined on that day for the reason stated therein. However, inadvertently the WWA has not been recalled and subsequently summons was issued upon CSW 12 & 15. Thus recall the WWA against him.

It further transpires from the previous orders that this Court by sending the copies of the order No. 66 dt. 12.07.2024 to SP Uttar Dinajpur as well as Darjeeling directed them to ensure appearance of those two police witnesses but the same yielded no result. Thereafter after appointment of SDPO Kurseong as Nodal Officer this Court again directed her vide Or. No. 68 dt. 25.09.2024 to take necessary steps and in compliance thereof she sent the compliance report along-with the copy of the RT message which also yielded no result.

Considering such lackadaisical conduct on the part of police authority resulting into inordinate delay in completing trial of the instant case as well as the fact that as per the direction of the Hon'ble Supreme Court the trial of the instant case is scheduled to be completed by the end of this year, the SDPO, Kurseong is once again directed to take up the matter with the concerned SP under whom both the police witnesses are presently posted for their appearance on the date fixed positively.

To 26.11.2024 for evidence of CSW 12 SI Parijat Sarkar and CSW 15 SI Somnath Patwory.

Let a copy of this order be sent to the SDPO, Kurseong for necessary compliance.

D/c by me

.....S/d.....  
Special Judge POCSO, Kurseong