

Order no. 53

Dt. 14.10.2025

Today is fixed for evidence of CSW 1 and 4 and ER of WA in respect of CSW 2.

Sole accused person is absent by filing petition u/s 317 Cr.PC.

No ER of WA is received.

No SR received.

No Witness turned up.

Ld. APP in charge is present.

Ld. Advocate for the accused is present.

Petition u/s 317 Cr.P.C. is heard, considered and allowed for ends of justice.

Ld. Advocate for the accused submitted that the case is pending for near about eight years and ample opportunities were given to the Prosecution to adduce evidences, however, except one witness till date no prosecution witnesses turned up and so the Ld. Advocate for the accused prays for closing of Prosecution evidence.

Ld. APP in charge submitted that another opportunity be given to the prosecution for adducing further evidences.

Perused the materials on record.

On perusal of the case record it is found that on several occasions summons were issued to CSW 1 and CSW 4 both residents under the jurisdiction of Sadar PS Darjeeling, however, despite issuing summons no return has been received from the Darjeeling Sadar PS.

Considering the case is pending for long time and also considering the submission of both the parties, the IC, Sadar PS, Darjeeling is directed to look into the matter regarding service of summons in respect of CSW 1 and CSW 4. IC, Sadar PS Darjeeling is also hereby directed to submit a report regarding service of summons to the said witnesses before this Court positively within the next date i.e. **19.11.2025**.

On perusal of the case record it is also found that the ER of WA in respect of CSW 2 has not been executed till date.

Considering the said IC, Kurseong PS is hereby directed to look into the matter personally and submit a report before this Court regarding execution of WA with respect to CSW 2 positively within the next date i.e. **19.11.2025**.

Case is adjourned for ends of justice.

Fix **19.11.2025** for evidence of CSW 1 and 4 and ER of WA in respect of CSW 2.

DA to issue **summons** accordingly.

DA to issue **reminder** accordingly, regarding ER of WA in respect of CSW 2.

Let a copy of this order along with the summons be sent to IC, Sadar PS Darjeeling for information and necessary action.

Let a copy of this order along with reminder regarding ER of WA in respect of CSW 2 be sent to IC, Kurseong PS for information and necessary action.

Dictated & Corrected by me

Sd/-

(Abhisek Mukherjee)

J.M., Kurseong

JO Code WB 01405

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(Abhisek Mukherjee)

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