

G.R. 241/2020 (CIS 54 of 2021)

CNR WBDJ08-000923-2021

Order no. 51 dated 27.11.2025

Today is fixed for evidence of CSW-3.

One representation petition u/s 355 of BNSS has been filed for the accused persons on the ground stated therein.

Prayer is allowed.

Ld. APP is present.

Ld. Defence Counsel submitted before this Court that since 09.08.2023, the Court has issued summons upon the CSW-3 on repeated occasions but the CSW-3 has not attended the Court to depose in connection with this case and hence the accused is praying for expunging the CSW-3.

Ld. APP raised no objection.

On perusal of the case record, it appears that it is true that on repeated occasions summons had been sent for service upon CSW-3 even on 25.08.2025 summons have been issued upon him through Superintendent of Police, Namchi, South Sikkim and O/C Temi Terken P.S. but no S/R is received yet regarding the service of the summons upon CSW-3. So, at this stage the Court feels no necessity to issue further summons upon the CSW-3 and it will only cause unnecessary delay in disposing of the case.

Hence, the prayer of the accused is allowed by expunging the evidence of CSW-3.

Issue summons upon CSW-7 and CSW-8.

To 19.12.2025 for evidence of CSW-7 and CSW-8.

D/c by me,

Sd/-

Judicial Magistrate, Kalimpong
JO CODE WB01365

Sd/-

Judicial Magistrate, Kalimpong
JO CODE WB01365