

S.T 30(05)2023
S.C 207/2022
CNR no.WBHG01-004745-2022

Order no.55 dated 15.07.2025

Today is fixed for E/R of W/W/A and evidence of CSW-4/Sanjoy Halder @ Bispai. This witness not turned up today.

Learned Junior Advocate of the learned Special P.P is present before me. Learned Advocates for the accused persons in different sets are also present before me. The accused persons in J/C are not produced today before me physically or by V.C mode.

At this stage, one petition has been filed seeking adjournment of the case on behalf of the prosecution after copy service. Another petition is filed on behalf of the prosecution on the grounds as stated therein after copy service.

Heard both sides present. Considered.

Learned Junior Advocate on behalf of the learned Special P.P submits that a short next date may be provided for the evidence of the next witness as per list of the prosecution witnesses already furnished and lying with the case record. She further submits that despite all endeavours to secure the evidence of CSW-4/Sanjoy Halder @ Bispai, his evidence fixed for today could not be possible. She refers the report submitted by the police received today for non-service of process of W/W/A upon CSW-4 till date. She further adds that the prosecution side does not want to unnecessary delay the case and so, the case may be adjourned for next witness for expeditious disposal of the case.

The learned Advocates on different sets representing the accused persons submit that as many as three dates have gone in the meantime and the prosecution failed to bring the next witness/CSW-4, so that the evidence of PW-11 and CSW-4 can be completed in view of their application u/s 232 of the Cr.P.C and also pursuant to the direction given by the Hon'ble High Court at Calcutta dated 18.06.2025 in connection with CRM (M) 138/2025. The learned Advocates for the accused persons also emphasised that the prosecution side again wished adjournment for calling upon the next incumbent witness but the prosecution did not mention in its petition whether it pressed or not pressed CSW-4.

It is correct on the face of the record that the prosecution till date has not been able to bring CSW-4/Sanjoy Halder @ Bispai to the witness box and as a result, the trial progress has affected. This date one adjournment is sought for, for calling upon the next witness other than CSW-4. The prosecution however did not mention in its petition whether they will call upon CSW-4 or not. Perhaps the prosecution through the police machinery is still hunting for CSW-4 and kept the matter open.

In my opinion and consideration, the case should be adjourned as far as CSW-4/Sanjoy Halder @ Bispai is concerned. However, it is left to the prosecution to

terminate the trial in view of their submission before the Hon'ble High Court at Calcutta vide above case reference and the direction given therein.

To 25.07.2025 for evidence of CSW-32/Jharna Roy.

The prosecution is directed to take steps in the meantime without fail and physical production of all the accused persons. Respective Correctional Homes be informed accordingly in the meantime.

Dictated & corrected by me

Sd/-
Additional Sessions Judge,
1st Court. Chinsurah
J.O Code no.WB00753

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1st Court, Chinsurah.
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