

**Present: Asmita Samajder [J.O. Code – WB00956],
Additional Sessions Judge,
4th Court, Howrah.**

**S.T. 192 of 2025
[CNR No. –WBHW01-003230-2025]**

Order no. 13 dated 01.09.2025

Today is fixed for evidence of two witnesses.

Out of three accused persons in J/C, one accused namely Soraj Kanjar is produced physically via VC from the Howrah Correctional Home.

Rest two female accused persons, namely, Sahanara Begum and Mafuja Bibi Sha, in J/C, are also produced physically from the Alipore Women's Correctional Home.

Ld. Advocates for the accused persons are present. Ld. PP-in-charge is also present.

Today, a report has been received from the Hazat Officer, Howrah Sadar Court, wherein it has been stated that the accused Sahanara Begum was admitted in hospital due to her illness and she has been discharged and hence produced before this court on this day. Discharge certificate issued by the Howrah District Hospital dated 01-09-2025 is also filed along with the said report. Let the report be kept with the record.

Ld. P.P-in-charge today, files some documents, which contain a letter dated 03-08-2025 sent by Dr. Shamim Haque Mondal (CSW43), wherein he has prayed for adducing his evidence through Video Conferencing mode; and e-mail to that effect has been sent by Dr. Mondal to the official e-mail ID of this court, being adj4howrah@gmail.com. Let the letter and other documents be kept with the record.

Since the witness, namely, Dr. Shamim Haque Mondal (CSW43) is unable to come to court today and is available via Video Conferencing, link is hereby sent to his e-mail ID, being, shamimmondal709@gmail.com. Said witness is joined through the said link, via Google Meet. He is then examined by the prosecution as the PW3 through Video Conferencing via Google Meet.

During his examination-in-chief, the certificate u/s 63(4) of BSA dated 30.04.2025 and the signature of PW3 on the certificate dated 30.04.2025 are marked as Exhibit P-10/PW3 and Exhibit P-10(1)/PW3 respectively. Said PW3 then cross-examined by the Ld. Counsel for all the accused persons. Upon conclusion of his evidence, this witness is discharged.

Let a scanned copy of the deposition sheet, duly signed by this Court, be forwarded to the said witness at his registered email ID, with a direction to affix his signature thereon and return a scanned copy of the same to this Court via email, by the end of this day.

Further, let a PDF copy of the deposition sheet be transmitted to PW3 through email for obtaining his signature. Upon receipt thereof, PW3 shall affix his signature on the same and return the hard copy to this Court by speed post within 72 hours, without fail.

Now, it is seen from the record that vide order no. 08 dated 20-08-2025, this court had observed the following:

“Having regard to the averments made in the present petition, and considering that the instant case relates to the offence of child trafficking, which is both grave and complex in nature, I am of the considered view that the physical presence of the witnesses, namely Dr. Chittrakshya Sarkar and Shri Shamim Haque Mondal, for the purpose of giving their testimonies, is indispensable, to ensure a fair and proper trial.

Due to the aforesaid reasons, the petition filed by prosecution today is allowed.

Witnesses namely Dr. Chittrakshya Sarkar and Shri Shamim Haque Mondal should be physically present on the date fixed, to adduce their evidence.

Let a copy of this order be sent to the Administrator, State FSL, Kolkata, at once, for his information and compliance thereof.”

Despite the categorical order of this court, duly communicated, the witnesses namely Dr. Chittrakshya Sarkar and Dr. Shamim Haque Mondal have failed to appear in person before this court today. As mentioned above, Dr. Shamim Haque Mondal adduced his evidence as the PW3 via VC today. In his email dated 31-08-2025 addressed to this Court, the said witness mentioned the following:

(...contd...)

S.T. 192 of 2025
[CNR No. –WBHW01-003230-2025]

(...contd...)/**Order no. 13 dated 01.09.2025**

*“Respected Madam,
I have been summoned to appear in court tomorrow (i.e., on 01.09.25) in physical mode only, but I was not allowed by my office to be physically present in your court. I was asked to testify virtually.
I am compelled to inform you of the difficulty in complying with your order.
Your action is required in this regard.*

***With thanks,
Dr. Shamim Haque Mondal
Senior Scientific Assistant
Physics Division,
State Forensic Science Laboratory, Kolkata
<https://scholar.google.com/citations?user=EoXaA6gAAAAJ&hl=en>
<https://www.researchgate.net/profile/Shamim-Mondal>
<https://inscript.me/profile/shamim-haque-mondal>
Mob : (+91)-9614519387”***

The above email portrays that Dr. Mondal could not adduce his evidence in this case physically today, since he was not allowed/permitted by his office to do so. The record further reflects that a copy of the order dated 20-08-2025 had been transmitted to the Administrator, State Forensic Science Laboratory, Kolkata for his information and compliance. Nevertheless, the physical presence of the aforesaid witnesses could not be procured.

This Court deems it necessary to reiterate that once a specific direction is issued requiring the personal attendance of witnesses, it is the bounden duty of such witnesses, as well as the authority under whose control they are placed, to ensure due compliance. Any act, omission, or restraint preventing a witness from obeying the lawful mandate of the Court is wholly unwarranted, illegal, and amounts to a serious interference with the due course of justice.

Accordingly, the Administrator, State Forensic Science Laboratory, Kolkata, is requested to take due note of the above and to ensure the physical attendance of the aforesaid witnesses, or any other witness, as may be required, before this Court, as and when so requested. It is expected that hereafter the orders of this Court shall be complied with in their true letter and spirit, without any default or deviation.

Let a copy of this order is sent to the Administrator, State Forensic Science Laboratory, Kolkata, for his information and necessary compliance.

Also, let a copy of this order be sent to the Director, State Forensic Science Laboratory, Kolkata, for his information and perusal.

Since, there is no other witness is present today, the case is adjourned.

On the prayer of the Ld. PP-in-Charge and the Ld. Defence Counsel, fixing **09.09.2025 (at 12 NOON)** for further evidence.

Accused persons in J/C as before; and to be produced via VC on the next date so fixed.

Typed and corrected by me;
Sd/-

Sd/-
Additional Sessions Judge,
4th Court, Howrah

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Later/Order no. 13 dated 01.09.2025

After conclusion of evidence of the PW3 today and after passing of the above order, a letter from the Ld. Advocate Nilanjan Pandit, representing the accused Soraj Kanjar, is filed informing this court that he is no longer representing the accused person due to the conduct of the accused person and his family members.

Heard Ld. Advocate of the said accused person.

Considering the circumstances, let a communication be made to the LADCS, Howrah, for engagement of a Ld. Defence Counsel on behalf of the accused Soraj Kanjar.

Let a copy of this order be sent to the Ld. Secretary, DLSA, Howrah, for her information and necessary action at the earliest.

To date.

Typed and corrected by me;

Sd/-

Sd/-

Additional Sessions Judge,
4th Court, Howrah