

S T No.46 of 2013.

Order 138 dt 13.06.19

Today is fixed for production of accused persons, appearance of accused person on bail and further evidence of PW 19.

Three accused persons namely 1) Biswajit Majhi, 2) Subhankar Das and 3) Bulbul Halder are not produced from J/C. Accused Debasis Dey on bail is present.

Ld Special Public Prosecutor Sri Naba Kumar Ghosh is present, Ld Lawyers for the accused persons are present.

Ld Special Public Prosecutor submitted that PW 19 Expert of CFSL, Kolkata is not present due to his illness and he sent message for his absence. Copy of message of PW 19 is enclosed with the application of prosecution. Ld Public Prosecutor prays for adjournment and prays for fix schedule for evidence of this case preferably 1<sup>st</sup> week of July 2019. Sri Goutam Dang and Sri Dibya Jyoti Singh Roy submitted that they are engaged in a trial at Barasat Court which is fixed day to day trial as per direction of Hon'ble Apex Court and they cannot conduct trial of this case in the first week of July 2019 and prays for fixing date on the last part of July 2019.

Considering the fact that Ld Lawyers for the accused persons are not able to take part in trial prior to last part of July 2019 this court has no option but to fix date for evidence on 25.07.19, 26.07.19, 29.07.19, 30.07.19 and 31.07.19 for further evidence of CSW 19 and evidence of remaining witnesses.

Issue summons to the witnesses.

Bail application of accused Subhankar Das is filed. Copy served.

Heard both sides.

It is submitted that the accused is in custody since last 7 years, there is no chance of absconding or tampering with the evidences and prays for bail.

Ld Special Public Prosecutor raised objection. During hearing it appears that bail application of the accused had been rejected by Hon'ble Court, Calcutta. It is submitted by Ld Special Public Prosecutor that only 3 witnesses left for examination for the prosecution and trial is delayed due to cease work of Ld Lawyers and he raised objection on the ground.

It appears that trial is on the verge of completion and only three witnesses left to be examined, application for bail of the accused had been rejected by the Hon'ble Court.

Considering above, this Court does not find any reason to allow prayer for bail. Prayed for bail is considered and rejected.

Addl. Sessions Judge, 2<sup>nd</sup> Court, Howrah.

