

Order No. 107 dt.08.08.17.

Today is fixed for production of three accused persons namely Bulbul Halder, Biswajit Majhi, Subhankar Das and further cross examination of PW-16 as well as the appearance of accused Debasis Dey.

Accused persons namely Bulbul Halder, Biswajit Majhi, Subhankar Das are produced from Howrah District Correctional Home and they are remanded to J/C till 30.11.17.

Accused Debasis Dey is present before the court by filing hazira.

Ld Spl PP files hazira for PW-16.

Two separate bail petitions are filed on behalf of the accused persons Biswajit Majhi and Bulbul Halder. Copy served. Objection raised.

A petition is filed on behalf of the accused Debasis Dey with the prayer for permitting the accused Debasis Dey to return the Lap top to its actual owner "Alstom" which was taken by Shrabani Dey from the court furnishing Zimmanama bond. Copy served. No objection is raised.

The record is taken up for evidence.

The cross examination of PW-16 Shib Kant Kanhar is resumed today and he is cross examined in full by the defence advocates and discharged.

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Now the bail petitions are taken up for hearing.

Hd. both sides.

Ld Advocates for the accused persons namely Bulbul Halder and Biswajit Majhi pray for bail on the ground of long detention.

Ld Spl PP raises strong objection against the bail prayer assigning the reason that the bail prayer of accused Bulbul Halder was rejected previously by the Hon'ble High Court, Calcutta. He submits that this is serious case and trial of this case is going on in full swing. He prays for rejecting the bail prayer.

Perused the materials on record.

It appears to me that trial of this case is going on in full swing and allegation against the accused persons is strong. The accused persons are involved in heinous crime. Charges against the accused persons had been framed u/s 302/120B, 307/120B of the IPC, u/s 3 ES Act read with 120B IPC and u/s 4 of ES Act.

Considering the facts and circumstances as well as considering the material on record, I am not inclined to enlarge the accused persons on bail. Accordingly, the prayers for bail of the accused persons are rejected.

Now, the prayer for permission to deliver the Lap Top to Alstom by the accused Debasis Dey is taken up for hearing.

Hd. both sides.

Ld Advocate for the accused Debasis Dey submits that vide seizure list dt 21.12.12 one Dell Lap Top in black colour (Model latitude/E 6400) was seized from the possession of Debasis Dey and subsequently the said seized lap top was taken into jimma by Shrabani Dey, sister of the accused Debasis Dey by furnishing Zimmanama bond vide order dt 5.7.14. He submits that the original owner of that seized lap top is "Alstom", where the accused Debasis Dey used to work. He submits that the said lap top is now in the custody of Shrabani Dey but the accused is required to return the same to its original owner. He prays for permission to return the seized lap top to its original owner.

Ld Spl PP submits that the state prosecution has no objection on such petition because the said lap top is not involved in the crime of this case. He prays for passing necessary order.

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Perused the materials on record. It appears to me that the seized lap top vide seizure list dt. 4.10.12 was given jimma to one Shrabani Dey, sister of the accused Debasis Dey. The said Shrabani Dey executed the Zimmanama bond on 5.7.14 in connection with order dt. 5.7.14 passed by the predecessor of this court. Ld Spl PP has no objection on the prayer of the accused.

In view of the situation, this court thinks that there is no impediment to allow the prayer of the accused Debasis Dey. Zimmanama bond dt 5.7.14 executed by Shrabani Dey is lying with the case record. The accused Debasis Dey has no objection if such Zimmanama bond be treated as final receipt.

Considering the facts and circumstances, I am inclined to allow the prayer of the accused Debasis Dey as depicted in his petition dt. 08.8.17.

Let the Zimmanama Bond dt 5.7.14 be treated as final receipt in respect of the seized lap top vide seizure list dt 4.10.12.

At this stage, Ld Spl PP files a petition with the prayer for cancellation of next date of the schedule as there is no chance of appearance of any witness before the court on tomorrow.

The prayer is allowed. The remaining date of the schedule i.e. 09.8.17 is hereby cancelled. The record will not be put up on 09.8.17.

The following schedule is made for examination of witnesses as per the CS as per the prayer of the Ld Spl PP :-

To 30.11.17, 01.12.17, 04.12.17, 05.12.17, 06.12.17 for examination of CSW-LXIX, Dr Anupam Ghosh, CSW-LV, Handwriting Expert, CSW-XXI, Sunil Sawant, Manager SBI, CSW-XVI, Mohan Jaiswal.

Ld Spl PP is directed to put the requisites of summons at once.

Dictated & corrected by me.

ASJ

Addl. Sessions Judge,
2nd Court, Howrah.