

S.T Case No 235 of 2024
CNR No. WBHW01-004446-2024

Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No.14,

Dated : 05.07.2025

Today, the date is fixed for physical production and evidence of C.S.W-2, namely, Srijit Dutta and C.S.W-5, namely, Swapan Chatterjee.

Both the accused persons are produced from the Judicial Custody. They are taken into custody and remanded to J.C till the next date.

Ld. PP-in-Charge is absent on call.

Ld. Advocate for the accused person is present.

Received one report from SI Susanta Kumar Koley of Nischinda P.S intimating this Court that C/2108, namely, Nepal Ghosh had been to the house of Srijit Dutta to serve summons upon him, but he was found absent and accordingly, said Srijit Dutta was informed to receive the summon through his mobile, but every time he avoided to receive the same by taking various pleas.

No witness turns up today.

On perusal of the case record, it transpires that P.W-1 has been cross-examined in full on 20.03.2025 and since then, almost five dates i.e. on 23.04.2025, 24.04.2025, 04.06.2025, 05.06.2025 and 05.07.2025 have elapsed, but no witness turns up.

It is to be reiterated herein that the present case is running at the stage of custody trial of the two accused persons.

On further perusal of the case record, it transpires that on earlier occasion i.e. on 05.06.2025 vide its Order being No.13, this Court has directed the Inspector-in-Charge/ Officer-in-Charge of Nischinda Police Station to ensure the presence of the witnesses on the next date positively and the said direction was duly communicated by this Court vide this Court's Memo No.335, dated 06.06.2025, but in spite of such direction, no witness has turned up today. It further appears that although one intimation has been received by this Court from one SI Susanta Kumar Koley of Nischinda P.S showing the reasons of non-service of summons upon the witness Srijit Dutta, but no intimation/clarification has been received about the non-appearance of another witness i.e. C.S.W-5, namely, Swapan Chatterjee.

Considering the above facts and circumstances of this case, the Inspector-in-Charge/ Officer-in-Charge of Nischinda Police Station is directed to remain present before this Court on the next date positively with written explanation as to why the direction upon him by this Court vide order being No.13, dated 05.06.2025 has not been complied with.

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[Continuing Order dated 05.07.2025]

Let a copy of this order be sent to the Inspector-in-Charge of Nischinda Police Station.

However, considering the fact that the witnesses are not attending this Court despite having knowledge of the summons, let bailable warrant of arrest be issued against the two witnesses i.e. against C.S.W-2, namely, Srijit Dutta and C.S.W-5, namely, Swapan Chatterjee.

Bench Clerk is directed do the needful.

Let a schedule be fixed for evidence.

Fix 18.07.2025 for physical production and evidence of C.S.W-2, namely, Srijit Dutta and personal appearance of Inspector-in-Charge of Nischinda Police Station positively.

19.07.2025 for physical production and evidence C.S.W-5, namely, Swapan Chatterjee and

Prosecution is directed to issue summons.

Dictated & Corrected by me.

A.S.J, 1st Court, Howrah.

Additional Session Judge,
1st Court, Howrah.