

S. T. Case No.249 of 2024.

Order no.08 dated 08.08.2025.

All the seven accused persons namely (1) Sk Mehatab Ali (2) Sk Rakib @ Bapon (3) Sk Samsad Ali (4) Noor Islam Mallick @ Iran Mallick (5) Sk Rejaul @ Rejabul Ali (6) Sk Bablu @ Sk Rofikul Islam & (7) Sk Moharam Ali on court bail are present by filing hazira.

Today is fixed for hearing of the petition filed on behalf of accused persons praying for defer the procedure for taking evidence for the prosecution for an intermediate period enabling defence an opportunity to bring counter case being no.GR 2709/2012 arising out of Rajapur PS Case No.302/22 dt.13.11.22 u/s 447/323/325/427/354B/506/34 of IPC lying pending in the court of Ld Judicial Magistrate, 2nd Court, Uluberia on the ground that both the FIRs are lodged on the self-same incident and are case and counter case.

Petition is taken up for hearing.

Heard both sides.

Perused the petition. Considered.

Ld Advocate for the accused persons stated that the petitioner first visited Rajapur PS on the date of incident on 13.11.22 and lodged police complaint being Rajapur PS case no.302/22 dt. 13.11.22 u/s 447/323/325/427/354B/506/34 of IPC and the affected party in the present trial lodged complaint on 14.11.22 before the officer in charge of Panchla PS being Panchla PS Case No.383 dated 14.11.22 u/s 365/325/326/307/379/34 of IPC. According to the petitioner, it would be evident that both the complaints and injury reports of the affected parties that the date and time of occurrence, place of occurrence and members of both the cases are same and both the cases are case and counter case. Both the cases are investigated by the investigating officer of two adjoining police station and separate charge sheet has been filed. It is submitted that the present case being Panchla PS Case no.383 dated 14.11.22 is pending for evidence of prosecution whereas the another case or counter case is pending before the court of Ld JM 2nd Court, Uluberia vide GR No.2709/22. Both the cases are case and counter case, so for natural justice in both the cases, it is required that both the cases be tried and adjudicated before the senior court for interest of justice and accordingly prayed for adjournment of evidence for an intermediate period.

Ld PP in charge raises strong objection by saying that both the cases are registered under two defferent police station and this court cannot pass any such order for adjudicating both the cases together or to call for the record from the court of judicial magistrate Uluberia. Petitioner has to take proper step at proper place for bringing the said case record, if he intends to said case record with the present case. It is also submitted that the prayer is nothing but a dilatory tratic toi delay the proceeding of the case which is fixed for evidence. Accordingly prayed for rejection of the petition.

Considering the submissions of both sides, I do not find any merit of the petition to adjourn the process of evidence in this case on assumption and presumption that another case would come to this court for being tried together as a counter case. As such petition is considered and rejected.

Fix 03.11.2025 for evidence of CSW-1.

Additional Sessions Judge,
2nd Court, Howrah.

