

GR 3144 of 2015(Reg.2283 of 2018)
Domjur P.S. Case No. 425 of 2015 Dated 02.05.2015
J.O. Code: WB01022
CNR NO.WBDD020010192023



Present:- Sri. Gairik Roy
Chief Judicial Magistrate, Howrah
JO Code:-WB01022

Order dated 07.03.2026,-

Accused **Kutubuddin Gaji @ Kutub** is produced through the medium of electronic video linkage.

Bail petition has been filed by the Ld. Lawyer for the accused person. Subsequently, the same is not pressed and stands rejected.

One witness namely, Sirshendu Kundu (PW1), presently posted as O.C. Kumarganj, Dakshin Dinajpur, is present through V.C. to depose in this case. Ld. Advocate representing the accused is also present to cross-examine the witness. Ld. APP is also present before me.

Witness Sirshendu Kundu (PW1) is cross-examined in full through V.C. and discharged.

Witness is directed to sign and put his official seal upon the digitally signed deposition sheet sent to him through e-mail and forwarded the same through e-mail after signing and he is further directed to post the hard copy of the deposition sheet thereof, so signed.

Let digitally signed copy of this order along with the deposition sheet be sent to Sirshendu Kundu (PW1), O.C. Kumarganj, Dakshin Dinajpur for compliance.

Perused the case record. It is axiomatic that the accused person was granted bail but has misused the liberty granted to him, which prompted this court to issue W/A against the accused person, moreover, it appears **vide order dated 17-01-2026**, witness was also present being one public servant but he cannot be examined due to non-appearance of this accused and having no other alternative the warrant of arrest was issued. It is further worthy to mention that the accused moved before the learned Sessions Judge, Howrah against the order of issuing WA dated 17.01.2026 vide **Cr. Misc Case No.206 of 2026** under section 482 of **Bhartiya Nagrik Suraksa Sanhita, 2023** but the said Cr. Misc Case was disposed of by the Learned Sessions Judge, Howrah with a direction to the accused to surrender before this court and the same was also not complied by the accused person and ultimately, the accused person is brought under arrest on 25.02.2026.

At this juncture, I find that it is fit case for custody trial and examination of witness has already been started. I am also not unmindful regarding the right of the accused person under detention. *It is worthwhile to mention here that as per the mandate of Constitution speedy disposal is the fundamental right of the accused persons. This court must hoist that right and must also act in accordance with section 309 of Code of Criminal Procedure, 1973 read with Case Flow Management Rules, High Court Rules 2006. Hence being pioneered by the above delineations, I have no dichotomy to truncate or snip the fact and any other view will transgress the clear verdict of law, accordingly, a schedule be fixed for examining the witnesses. Let the summons be issued at once to **rest witnesses as per following schedule.***

To 12.03.2026 for evidence of CSW 2 and 3,

13.03.2026 for evidence of CSW 5 and 6,

16.03.2026 for evidence of CSW 7 (I.O.).

Accused be produced through V.C. on the dates mentioned above.

The witnesses are at liberty to depose by taking recourse of video conferencing mode or physical mode.

Dictated by me;

Chief Judicial Magistrate
Howrah

Chief Judicial Magistrate
Howrah