

Sessions Case No.48 of 2013

Order No.29,
Dated:06.02.2017.

This day is fixed for evidence of CSW-7 Dr. Rajat Kumar Bhattacharyya and appearance of accused on bail.

Ld. PP-in-charge is present.

A petition is filed on behalf of the accused Tajimul Haque u/s 317 Cr.P.C with a prayer to permit the Ld. Counsel to represent him in his absence during trial.

Service return of summon upon Dr. Rajat Kumar Bhattacharyya, medical officer of Jalpaiguri Sadar Hospital received after due service.

The petition filed by defence u/s 317 Cr.P.C it taken up for hearing.

Heard submission of Ld. Defence Counsel and the Ld. PP-in-charge.

Perused the petition and the case record.

Prayer is allowed on consideration.

Accused is permitted to be represented by the Ld. Defence Counsel.

Although service of summon received by this Court but Dr. Rajat Kumar Bhattacharyya did not appear to adduce evidence. No intimation has yet been received from his end.

Perused the case record.

It is found from the case record that for the first time summon has been issued upon Dr. Rajat Kumar Bhattacharyya vide order dated 14.08.2013 and the summon has been issued on 09.09.2013. It is strange that Dr. Rajat Kumar Bhattacharyya did not appear before the Court to adduce evidence although from the case record I defined that day after day summon has been issued but he did not appear to adduce evidence. In this Sessions case charge is framed against accused u/s 341/325/308 I.P.C. The evidence of the doctor is material in this case but the record speaks that without assigning any reason PW-7 did not attend the Court in compliance with the direction to appear and to depose. This is nothing but a clear example of non-compliance of the direction of the Court which is tantamount of contempt. The case is being delayed only due to the

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non-examination of Dr. Rajat Kumar Bhattacharyya. In this circumstance this Court has no other alternative but to issue WWA of Rs.500/- against Dr. Rajat Kumar Bhattacharyya (CSW-7) to compel his attendance before the Court on 28.03.2017.

To date is fixed for evidence, appearance of accused on bail and E.R of WWA.

A copy of the order be sent to the C.M.O.H, Jalpaiguri for his information.

Dictated & Corrected by me:

Additional Sessions Judge,
4th Court, Jalpaiguri.

Additional Sessions Judge,
4th Court, Jalpaiguri.