

**S/C. 51/2017**  
**GR Case No. 2130/2011**  
**Jaigaon PS case No. 249/11 dt. 30.09.2011**

Order No.34,  
dt. 14.03.2023.

*Today is fixed for evidence of CSW No. 1.*

*Accused person, Raj Kumar Paswan on CB is present by filing hazira.*

*Ld P P in-charge, Mr Jayanta Barman files hazira.*

*NO PW is present.*

*SR is returned after service.*

*On repeated calls, witness, SI, Binod Gazmare is found absent.*

*Ld P P in-charge, Mr Jayanta Barman submits with a petition that witness, SI Binod Gazmare, being FIR has been avoiding to appear before the Ld court in spite of repeated issuance of summons upon him through RO, Alipurduar. He does not contact with Ld P P in-charge in spite of knowledge of issuance of summons. So, for secure his attendance before the Ld court, warrant may be issued.*

*Perused the record and find that the witness, SI, Binod Gazmare is FIR maker and his evidence is necessary and also find that the summons has been communicated to him through RO, Alipurduar.*

*In the above circumstances, having no other alternative, to secure his attendance issue bailable warrant of arrest Rs. 500/- upon the said witness SI, Binod Gazmare on condition to appear before the Ld court on the date fixed.*

*The SP, Coochbehar, is hereby requested to execute the BWVA upon the witness, SI, Binod Gazmare, now attached as Deputy S P, DIB, Coochbehar, through his competent authority or himself, to secure his attendance before the Ld court on the date fixed.*

*The OC, Jaigaon PS, is hereby directed to produce the seized alat in connexion with this case on the date fixed positively.*

*Fix **28.04.2023** for ER of BWVA and evidence.*

*Let a copy of order along with WVA be sent to SP, Coochbehar for information and compliance.*

*Let a copy of order be sent to OC, Jaigaon PS for information and compliance.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 14.03.2023

Let a copy of order No.34 dt. 14.03.2023 along with WWA be sent to SP, Coochbehar & OC, Jaigaon PS, for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

-  
**S/C. 97/13**  
**GR Case No. 2586/12**  
**Samuktala PS case No. 130/12 dt. 17.11.2012**

Order No.68.  
dt. 18.05.2022.

Today is fixed for evidence of doctor and IO, EX-SI, Kamal Chandra Barman.

Out of [2] accused persons on CB , one accused, Rajani Kanta Das is present and Hare Krishna Das is absent and represented by his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Mr Debangshu Ghosh and Ld defence counsel are present.

Two Witnesses, viz., Dr Subrata Halder and Ex-SI, Kamal Chandra Barman are present , they are examined in chief, cross in full and discharged as Pw9 & 10 respectively. The PW9 had identified his PM report as marked Exbt-8 and PW10 had identified the seizure list as marked Exbt-5/2 and one another seizure list admitted by defence as marked Exbt-A.

No other PW is present.

IO, Ex-SI, Kamal Chandra Barman admits that he could not collect the RFSL report from Jalpaiguri at the time of submitting charge-sheet. So, SI, Kamal Chandra Barman is directed to go and collect the RFSL report from Jalpaiguri and submit the same before the Ld court by 21.06.2022.

The OC, Samuktala PS is hereby directed to assist the said EX-SI, Kamal Chandra Barman for collection of RFSL report from Jalpaiguri, which document is very necessary for adjudication of this case with keeping mind it is a murder case and it is too old.

Fix **21.06.2022** for appearance of Ex-SI, Kamal Chandra Barman along with RFSL report and evidence of 1<sup>st</sup> IO, SI, Sankar Majumder.

Issue summons at once.

Let a copy of order be handed over to EX-SI, Kamal Chandra Barman & let another copy of sent to OC, Samuktala PS for their information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 18.05.2022

Let a copy of order No.68 dt. 18.05.2022 be handed over to EX-SI, Kamal Chandra Barman & let another copy of order be sent to OC, Samuktala PS for their information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.220/2019**

Order No.18,  
dt. 13.03.2023.

*Today is fixed for examination of the accused person u/s. 313 of Cr P C, DW if any, Argument & Judgment.*

*Ld P P in-charge, Mr Santanu Biswas files hazira.*

*Accused, Arindam Dey on CB is present and examined u/s. 313 of Cr P C.*

*At this stage Ld Advocate for the accused files a petition on the grounds stated therein.*

*Heard. Considered and prayer is allowed.*

*Fix **17.03.2023** for Argument & Judgment.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.68/2021**

Order No.12,  
dt.13.03.2023.

Today is fixed for ER of WWA & evidence.

Accused, Ram Kumar is produced from JC and he is taken into custody.

Ld P P, Mr Suhrid Majumder files hazira.

One, Romanius Munda has been examined as PW1 and cross examined in part and thereafter discharged for the day. During evidence PW1 proved his signatures on the written complaint, seizure-list & on another seizure-list dt. 22.05.2021 marked as Exbt-1, 2 & 3.

No more PW is present.

At this stage Ld Advocate for the defence by filing a petition prays for retirement as defence Advocate on behalf of accused, Ram Kumar on the grounds stated therein.

Heard. Considered. Prayer is allowed.

Accordingly, Ld Advocate is hereby exempted from conducting the defence case on behalf accused, Ram Kumar.

Hence, the Chairman, S D L S C, Alipurduar is requested to appoint one Ld. Advocate as State Defence Counsel from the panel of lawyers, S D L S C, Alipurduar, as the accused person, Ram Kumar has been undefended till date.

**[Case u/s.302 of IPC ]**

To **[14.06.2023]** for production and appointment of Ld. Advocate, from the panel of S D L S C, Alipurduar & further cross examination of PW1.

Issue summons accordingly,

Let a copy of this order be sent to the Chairman, S D L S C, Alipurduar for information.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar

Addl. Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_/F.T.C.-II dt. 13.03.2023

Let a copy of order No.12 dt. 13.03.2023 be sent to the Chairman, S D L S C, Alipurduar for information.

Addl. Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

S/C.220/2019

Order No.17,  
dt. 28.02.2023.

*Today is fixed for further evidence.*

*Accused, Arindam Dey on CB is present by filing hazira.*

*Ld P P in-charge, Mr Santanu Biswas files hazira.*

*No PW is present.*

*Ld P P in-charge submits with a petition that the prosecution produced as many as [4] witnesses including the defacto complainant but none of the witnesses has supported to the prosecution case. The rest witnesses are public witnesses and they would not develop to the prosecution case and therefore, to avoid the defacto complainant delay the prosecution evidence may be closed.*

*Considered.*

*The prosecution evidence is closed.*

*Fix **13.03.2023** for examination of the accused person u/s. 313 of Cr P C, DW if any, Argument & Judgment.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 155/2015**

Order No. 71.  
dt. 17.02.2023.  
20.02.2023

*Today is fixed for appearance of convicts and report of District Probation Officer, Alipurduar.*

*Received two separate reports from District Probation Officer, Alipurduar in respect of convicts, Debendra Sharma & Manoj Sharma respectively, and nothing adverse has been reported against them.*

*Let the report of District Probation Officer, Alipurduar be kept with the record.*

*Fix **17.05.2023** for appearance of convicts and report of District Probation Officer, Alipurduar.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.02.2023

Let a copy of order No.71 dt. 20.02.2023 be sent to The District Probation Officer, Alipurduar for information.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Criminal Appeal No. 07/2022**

Order No.6.  
dt. 14.12.2022.

Today is fixed for hearing.

The Appellant & respondent file their respective haziras through their Ld Advocates.

Appellant files a verified petition with seeking permission for adducing additional evidence on the ground inter alia that the documents as sought for lying in the LCR and the same are required to be proved by the evidence of PW1.

Copy served and objected to.

Respondent files a petition without supporting an affidavit or verification. By the instant application the respondent has prayed to dismiss the instant appeal on ground inter alia that the State of West Bengal is not a party in this suit as per guidance by Cr PC.

Copy served.

Both the petitions are fixed for hearing on **31.01.2023**.

In the mean time WO, if any.

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.14/2021**

Order No.8,  
dt. 25.01.2023.

*Today is fixed for further cross-examination of PW1.*

*Accused, Ajay Oraon & Ganesh Lakra on CB are present by filing hazira.*

*Ld P P in-charge, Mr Dulal Ghosh files hazira.*

*One copy of death certificate in respect of accused, Rajib Oraon has been filed, it appears from that certificate that accused, Rajib Oraon died on 25.11.2022.*

*Perused the same and considered and the accused, Rajib Oraon be filed for ever from this case.*

*At this stage one petition has been filed by the accused persons praying for time on the grounds stated therein.*

*Heard. Considered and prayer is allowed.*

*Fix **04.04.2023** for further cross-examination of PW1.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.61/2019**

Order No.22.  
dt. 17.01.2023.

*Today is fixed for ER of WPA.*

*Ld P P in-charge, Mr Amarendra Nath Roy files hazira.*

*Received report from Falakata PS, it appears that warrantee accused, Nirmal Roy is not residing at his alleged address, Khagenhat under PS- Falakata and having no either movable or immovable properties and for which a nil seizure-list is annexed herewith.*

*In the above circumstances, having no alternative the case is filed for present against the warrantee accused, Nirmal Roy, who is the sole accused of this case.*

*The DA to note.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**MACC.72/2022**

Order No.3.  
dt. 13.01.2023.

*Today is fixed for hearing of petitions.*

*No step is taken by the petitioner.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for hearing of petitions.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar,*

**MAT.285/2022**

Order No.3.  
dt. 13.01.2023.

*Today is fixed for appearance & SR.*

*No step is taken by the petitioner.*

*No SR is received.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for appearance and SR.*

*Dictated & corrected  
by me ;*

***Addl. District Judge,  
FTC-II, Alipurduar.***

***Addl. District Judge,  
FTC-II, Alipurduar,***

**MAT.243/2021**

Order No.7.  
dt. 13.01.2023.

*Today is fixed for SR.*

*No step is taken by the petitioner.*

*No SR is received.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for SR..*

*Dictated & corrected  
by me ;*

***Addl. District Judge,  
FTC-II, Alipurduar.***

***Addl. District Judge,  
FTC-II, Alipurduar,***

**MACC.60/2019**

Order No.3.  
dt. 13.01.2023.

*Today is fixed for Report.*

*No step is taken by the petitioner as well as OPs.*

*No report is received.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for Report.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar,*

**MACC.50/2017**

Order No.32,  
dt. 13.01.2023.

*Today is fixed for SR.*

*No step is taken by the petitioner.*

*No SR is received.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for SR.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar,*

**Misc. Case No. 13/2022**

Order No.4.  
dt. 13.01.2023.

*Today is fixed for Order.  
No step is taken by the petitioner as well as the OP.  
As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for order.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

Order No.3.  
dt. 13.01.2023.

*Today is fixed for Issues.*

*No step is taken by the petitioner as well as the respondent.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for hearing.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

Order No.3.  
dt. 13.01.2023.

*Today is fixed for Issues.*  
*No step is taken by the petitioner as well as the respondent.*  
*As per resolution of Local Bar Association as well as the Law Clerk Association,*  
*case is adjourned for the day.*

*Fix \_\_\_\_\_ for hearing.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**MACC.71/2022**

Order No.58.  
dt. 13.01.2023.

*Today is fixed for hearing of petition.*

*No step is taken by the petitioner.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for hearing.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
**FTC-II, Alipurduar.***

*Judge, MAC Tribunal,  
**FTC-II, Alipurduar,***

**Crl. Revision No.45/2019**

Order No.14,  
dt. 13.01.2023.

*Today is fixed for SR.*

*Ld Advocate for the petitioner files hazira.*

*No SR has been received.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix **13.01.2023** for SR.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.14,  
dt. 13.01.2023.

*Today is fixed for SR.*

*No step is taken by the petitioner.*

*No SR has been received yet.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for SR.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**MACC.16/2012**

Order No.58.  
dt. 13.01.2023.

*Today is fixed for further chief of PW1.*

*No step is taken by the petitioner as well as the OP No. 2.*

*No PW is present.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for further chief of PW1.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.197/2019**

Order No.20.  
dt. 13.01.2023.

*Today is fixed for ER of WA.  
No step is taken by Ld Prosecution.  
No ER of WA has been received.*

*As per resolution of Local Bar Association as well as the Law Clerk Association,  
case is adjourned for the day.*

*Fix \_\_\_\_\_ for ER of WA.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 109/2017**  
**GR Case No. 1964/2015**  
**Kumargram PS Case No. 149/2015 dt.30.06.2015**

Order No.29.  
dt. 11.01.2023.

*Today is fixed for report from Birpara PS.*

*Accused, Chanchal Barman on is present by filing hazira.*

*Report is received from Birpara PS and find that SI, Sanjib Kumar Barman submits report regarding Aadhar Card of accused, Chanchal Barman but remained silent on the question of document of electoral list for the year, 2015, Epic Card and Ration Card of accused, Chanchal Barman.*

*SI, Sanjib Kumar Barman is hereby directed to appear personally along with the reply against the above said questions of documents on 06.03.2023 positively.*

*Fix **06.03.2023** for report and appearance of SI, Sanjib Kumar Barman.*

*Let a copy of order be sent to SI, Sanjib Kumar Barman through OC, Birpara PS for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 11.01.2023*

*Let a copy of order No.29 dt. 11.01.2023 be sent to to SI, Sanjib Kumar Barman  
through OC, Birpara PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.29/2022**

Order No.15.  
dt. 11.01.2023.

Today is fixed for evidence.

Out of [4] accused persons on CB, accused, Kuber Barhi is present by filing hazira and rest [3] accused persons are absent by petition and they are represented by their Ld Advocates u/s.317 of Cr P C.

Ld P P in-charge, Mr Jayanta Barman files hazira.

One witness, PW6, further examined and cross examined in full and discharged. Witnesses, namely, Takdir Biswakarma, Kiran Lakra & Mahesh Chhetri have been examined and crossed in full as Pw7, PW8 & PW9 respectively and discharged.

No other PW is present.

As per petition of Ld prosecution fresh schedule is fixed for evidence as follows :-

Fix **03.04.2023** for evidence of CSW Nos. 12, 13 & Subhas Panja.

04.04.2023 " " " Nos. 14 & 17,

05.04.2023 " " ASI, Shyamal Barman, PSI, Sarmista Barman

06.04.2023 " " " No. 1<sup>st</sup> IO, Nayan Das & 18,

Issue summons accordingly.

Prosecution to take step.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 59/2022**

Order No. 6.  
dt.10.01.2023

Record is put up on the strength of a put up petition.

The Petitioner, Smt Pritha Rudra filed a verified petition stating that she is not

willing to proceed with the case though the instant suit has been proceeding Ex parte and has sought for permission to withdraw the same.

Considered.

Hence,

it is ordered :

that the petitioner is permitted to withdraw the instant Mat Suit accordingly.

Thus, the instant Mat Suit is disposed of.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C.39/2018**

Order No.34.  
dt. 07.01.2023.

Today is fixed for evidence.

Sole accused, Raj Kishore Das on CB is present by filing hazira.

Ld P P in-charge, Mr Jayanta Barman files hazira.

One witness, Sandip Pal is present and he is examined in full and cross

*examined in full and discharged as PW10.*

*No other PW is present.*

*Ld prosecution orally submits that the prosecution produced as many as ten witnesses including the defacto complainant but none of the prosecution witness has supported the prosecution case. So, to avoid the delay the prosecution evidence may be closed.*

*Considered.*

*Hence, prosecution evidence is closed.*

*Fix **20.01.2023** for examination of the accused person u/s. 313 of Cr P C, DW if any, argument & judgment.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Mat Suit No. 72/2022**

**Order No. 10.**  
**dt. 07.01.2023**

*Record is put up on the strength of a put up petition.*

*The Petitioner, Abhijit Kumkar Jha filed a verified petition stating that the matter has been settled in between the parties and he is not willing to proceed with the case and has sought for permission to withdraw the same against the OP.*

*Considered.*

Hence,

*it is ordered :*

*that the petitioner is permitted to withdraw the instant Mat Suit with liberty to file a fresh suit.*

*Thus, the instant Mat Suit is disposed of.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C. 197/2012**

Order No.81,  
dt. 05.01.2023.

*Today is fixed for appearance & ER of WPA.*

*[6] accused persons, namely, on CB are present by filing hazira and [2] accused persons, namely, Taitosh Dorjee & Phurba Sherpa are absent by petition.*

*Ld P P in-charge, Mr Dulal Ghosh files hazira.*

*No ER of WPA received in respect of accused, Pema Lama & Shibu @ Pema Sherpa.*

*Perused the record and find that the ER of WPA is pending since long time and the OC, Jaigaon PS submitted a report that warrantee accused, are absconders since long time from their addresses and having no information of their present addresses.*

*In the above circumstances, having no alternative, the case is filed for the present against the both warrantee accused persons, namely, Pema Lama & Shibu @ Pema Sherpa.*

*DA to note.*

*Fix **16.03.2023** for appearance and evidence of CSW Nos. 8 & 14.*

*Issue summons accordingly.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 358/2017

Order No.44,  
dt. 05.01.2023.

*Today is fixed for ER of WWA and evidence.*

*Accused, Amit Hembram on CB is present by filing hazira.*

*Ld P P in-charge takes no step.*

*No ER of WWA has been received in respect of witnesses, namely, Sukendu Biswas & Dr. DD Mukherjee.*

*It appears from the record that ER of WWA has been pending in respect of witnesses, namely, Sukendu Biswas & Dr. DD Mukherjee since long and their whereabouts have not been traced out yet. In this situation the name of these witnesses, namely, Sukendu Biswas & Dr. DD Mukherjee have expunged from the charge sheet and the case be proceeded accordingly.*

*Fix **21.02.2023** for appearance and evidence CSW No.32, Samar Kumar Sarkar, the IO of the case.*

*Issue summons at once.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 320/2013**  
**GR Case No. 173/2013**  
**Jaigaon PS Case No. 22/2013 dt.25.01.2013**

Order No.69,  
dt. 04.01.2023.

*Today is fixed for ER of WWA and evidence.*

*Accused, Dil Maya Biswakarma on CB is absent and represented by a petition u/s. 317 of Cr P C through her Ld Advocate.*

*Ld P P in-charge, Mr Rajib Sutradhar is present by filing hazira.*

*NER received from IC, Balurghat PS, Dakshin Dinajpore, who prays short time to execute the WWA against the witness, IO, Ex-SI, Arup Kumar Sen of village-Narayanpur, Ward No. 14, near ABTA Office, PS-Balurghat, District- Dakshin Dinajpore.*

*On perusal of the record, it appears that on last date, i.e., on 01.12.2022 Ld court was pleased to direct with request to SP, Dakshin Dinajpore to execute warrant through any competent authority and submit the compliance report but today no fruitful result comes before the Ld court.*

*It is very surprising enough that the SP, Dakshin Dinajpore is avoiding the court's order as like he could not give importance on the court's order.*

*However, the SP, Dakshin Dinajpore is given an last opportunity to execute the warrant upon the above said warrantee witness and secure his attendance before the Ld court positively on 24.01.2023, otherwise, law will run in its own course.*

*Fix 24.01.2023 for ER of WWA and evidence.*

*Let a copy of order be sent to SP, Dakshin Dinajpore through special messenger for his information and compliance.*

*The GRO, Alipurduar court is to take step.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 04.01.2023

Let a copy of order No.69 dt. 04.01.2023 be sent to SP, Dakshin Dinajpore through special messenger for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Criminal Appeal No. 07/2022**

Order No.6.  
dt. 14.12.2022.

Today is fixed for hearing.

The Appellant & respondent file their respective haziras through their Ld Advocates.

Appellant files a verified petition with seeking permission for adducing additional evidence on the ground inter alia that the documents as sought for lying in the LCR and the same are required to be proved by the evidence of PW1.

Copy served and objected to.

Respondent files a petition without supporting an affidavit or verification. By the instant application the respondent has prayed to dismiss the instant appeal on ground inter alia that the State of West Bengal is not a party in this suit as per guidance by Cr PC.

Copy served.

Both the petitions are fixed for hearing on **31.01.2023**.

In the mean time WO, if any.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 182/2016**  
**GR Case No. 2907/2014**  
**Falakata PS Case No. 272/2014 dt.07.11.2014**

Order No.45,  
dt. 16.12.2022.

Today is fixed for appearance & ER of WA and ER of WPA.

[4] accused persons, namely, Bikash Pradhan, Kancha Chhetri, Min Bahadur Chhetri & Bivash Mongar on CB are present by filing hazira.

No ER received in respect of accused, Chandey @ Dipak Chhetri.

NER received in respect of accused, Santosh Chhetri from OC, Jaigaon PS and same is not in accordance with law, hence not accepted.

Accordingly, OC, Jaigaon Ps is hereby directed to execute the WA against the accused, Chandey @ Dipak Chhetri and WPA against the accused, Santosh Chhetri by the date fixed.

Fix **16.03.2023** for ER of WA & WPA and appearance.

Let a copy of order be sent to OC, Jaigaon PS for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 16.12.2022

Let a copy of order No.45 dt. 16.12.2022 be sent to OC, Jaigaon PS for his information and compliance.

Addl. Sessions Judge,

**S/C. 213/2013**

Order No.26.  
dt. 20.12.2022.

*Today is fixed for appearance and death report.*

*Out of [93] accused persons on CB, [76] accused persons are present by filing hazira and [15] accused persons are absent by petition.*

*Ld P P in-charge , Mr Basudeb Das is present and files hazira.*

*Received a report from Falakata PS along with death report, it appears that two accused persons, namely,Emasin Soren died on 04.03.2022 and Bandhan Ekka @ Kachua died on 16.06.2022.*

*Considered.*

*Let the name of deceased accused persons, namely, Emasin Soren and Bandhan Ekka @ Kachua be expunged from the list of charge-sheet.*

*DA to note.*

*Fix **10.01.2023** for appearance and consideration of charge.*

*All the accused persons must be present i.e., WA.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C. 15/2021**

**Order No.16,**  
**dt. 19.12.2022.**

*Today is fixed for ER of WA and appearance of OC, Jaigaon PS with warranting officer.*

*Ld P P , Mr P N Majumder files hazira.*

*Accused, Nabin Oraon on CB is absent by petition and prays for time.*

*Considered.*

*OC, Jaigaon PS, and warranting officer, SI, Chandra Prakash Rai are present and submits with a written report that the warrantee accused, Kanchan Oraon sold his dwelling house since long time and his present address is not found and Johny Thapa is out of station since long time and his present staying location is unable to ascertain and having no articles in their house and for which a Nil seizure-list filed against the*

*respective warrantee accused persons with obtaining signatures of witnesses.*

*Considered.*

*Let the name of warrantee, accused persons, namely, Kanchan Oraon & Johny Thapa be expunged for the file for the present.*

*DA to note.*

*Fix **14.02.2023** for appearance and consideration of charge.*

*Accused, Nabin Oraon must be present.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 09.12.2022*

*Let a copy of order No.51 dt. 09.12.2022 along with bail bond be sent to the Ld ACJM, Alipurduar for his information and action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Criminal Revision No. 11/2018**

Order No.23,  
dt. 16.12.2022.

*Today is fixed for SR of respondent No. 2.*

*The revisionist & respondent No. 1 file their respective haziras.*

*No SR is received.*

*Perused the record and find that a good number of times the revisionist is directed to file fresh requisite but the revisionist has not been complied with the court's order.*

*In this circumstance, I think that the revisionist has ambition to delay the case or not willing to proceed with the case.*

*Hence,*

*it is ordered :*

*that the instant criminal revision being No. 11/2018 be and same is dismissed for not complying the court's order.*

*Let the copy of this order along with LCR be sent to Ld court below for information.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 16.12.2022*

*Let a copy of order No.23 dt. 16.12.2022 along with LCR be sent to the Ld Court below for information.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 261/2017**  
**GR Case No. 585/2000**  
**Samuktala PS Case No. 39/2000 dt.01.09.2000**

Order No.51,  
dt. 09.12.2022.

*Today is fixed for examination of the accused person u/s.313 of Cr P C.  
Out of [3] accused persons on CB, [2] accused persons are present by filing hazira and the rest accused, Bimal Santal is absent by petition on the ground stated therein.*

*The petition is considered and rejected.*

*Ld P P in-charge, Mr Malay Biswas files hazira.*

*However, issue WA against the accused person namely, Bimal Santal.*

*The bail bond is forfeited.*

*Ld ACJM , Alipurduar is requested to draw proceeding against the sureties, namely, Mrityunjay Pal & Ratan Kumar Sarkar u/s. 446 of Cr P C.*

*Fix **31.01.2023** for ER of WA.*

*Let a copy of order along with bail bonds sent to the Ld ACJM, Alipurduar for his information and action.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 09.12.2022*

*Let a copy of order No.51 dt. 09.12.2022 along with bail bond be sent to the Ld ACJM, Alipurduar for his information and action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 70/2020**  
**GR Case No. 468/2020**  
**Jaigaon PS Case No. 66/2020 dt.27.02.2020**

Order No.13,  
dt. 09.12.2022.

*Today is fixed for evidence of CSW No. 1.*  
*Accused person, Phurba Lama on CB is absent by petition but on call either the accused nor his Ld Advocate is present.*  
*Ld P P, Mr P N Majumder files hazira.*  
*Witness, namely, Dulal Das is present but he is not examined.*  
*Today, on calling, conducting Ld Advocate is also absent.*  
*However, issue WA against the accused person namely, Phurba Lama.*  
*The bail bond is forfeited.*  
*Ld ACJM-II, Alipurduar is requested to draw proceeding against the sureties, namely, Kanaj Chakraborty & Dinanath Burman u/s. 446 of Cr P C.*  
*Fix **20.02.2023** for ER of WA.*  
*Let a copy of order along with bail bonds sent to the Ld ACJM-II, Alipurduar for his information and action.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_ /F T C-II, dt. 09.12.2022*

*Let a copy of order No.13 dt. 09.12.2022 along with bail bond be sent to the Ld ACJM-II, Alipurduar for his information and action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C.68/2019

Order No.26.  
dt. 07.12.2022.

*Today is fixed for appearance and examination of the accused persons u/s.313 of Cr P C.*

*Ld P P in-charge, Mr Santanu Biswas files hazira.*

*Ld Advocates for the accused persons are present.*

*[14] accused persons on CB are present and they are examined u/s. 313 of Cr P C and discharged.*

*Case is adjourned today.*

*Fix **09.12.2022** for argument and judgment.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.240/2017**  
**GR Case No. 287/17**  
**Alipurduar PS Case No. 74/17 dt. 14.02.2017**

Order No.40,  
dt. 07.12.2022.

Today is fixed for appearance and evidence of defacto complainant and IO.

Sole accused, Jahidul Islam on CB is present by filing hazira.

Ld P P in-charge, Mr Subrata Sarkar as well as Ld Defence counsel are present.

The defacto complainant, Kabul Mia is produced and he is examined in chief and crossed in full and discharged as PW13. He has formal proof his written complaint as marked Exbt- 8/1.

IO, SI, Anirban Majumder is present, who is not examined in absence of seized alamat and FSL report.

Ld prosecution submits with a petition that the IO of this case may be directed to go and collect the FSL report and RFSL report from respective places and also produce seized alamat in connexion with this case on the date fixed.

These material evidence and report are required for ascertaining the truth of the case.

Considered the submission of prosecution and the IO, SI, Anirban Majumder is directed to go and collected the FSL & RFSL report from Kolkata & Jalpaiguri and also to collect and produce the seized alamat in connexion of this case which is marked Exbt-A B C D & E by the IO to this Ld court on **31.01.2023**

The SP, Alipurduar is hereby directed with request to permit to SI, Anirban Majumder, now posted at Falakata PS, to go and collect the FSL report and RFSL report from respective places and also produce seized alamat in connexion with this case to this court on the date fixed.

Fix **31.01.2023** for production of FSL & RFSL and seized Alamat and evidence of IO, SI, Anirban Majumder.

Let a copy of order be handed over to SI, Anirban Majumder for information and compliance.

Let a copy of order be sent to SP, Alipurduar for his information.

Accused as before.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_ /FTC-II

dt. 07.12.2022

Let a copy of the order No. 40 dt. 07.12.2022 be handed over to SI, Anirban Majumder for his information and compliance and let another copy be sent to SP, Alipurduar for information.

*Additional District Judge,  
FTC-II, Alipurduar*

**S/C.250/2019**

Order No.13,  
dt. 03.12.2022.

*Today is fixed for appearance and death report.*

*Accused person on CB is absent by petition.*

*Ld P P in-charge, Mr Babul Saha files hazira.*

*A death report of one, Smt Kananbala Rakshit is received from Falakata PS, who died on 30.09.2022.*

*Let the name of accused, Smt Kananbala Rakshit be expunged from the list of the charge-sheet.*

*DA to note*

*Fix 15.02.2023 for evidence of CSW No. 2,*

*16.02.2023 “ “ No. 3,*

*17.02.2023 “ “ No.4,*

*Issue summons accordingly.*

*Prosecution to take step.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.11/2019**

Order No.20,  
dt. 03.12.2022.

*Today is fixed for appearance and death report.*

*Out of [20] accused persons on CB, [16] accused persons are present and [4] accused persons, namely, Kamini Modak, Kamala Karmakar, Anima Modak & Jhumki Modak are absent by petition.*

*Ld P P in-charge, Mr Narayan Chandra Ghosh is found absent without step.*

*A death report of one, Bishambhar Modak @ Biswandhar Modak is received, who died on 23.01.2022.*

*Let the name of accused, Bishambhar Modak @ Biswandhar Modak be expunged from the list of the charge-sheet.*

*DA to note*

*Fix 04.02.2023 for evidence of CSW Nos. 1 & 2,*

*06.02.2023 “ “ Nos. 3 & 4,*

*07.02.2023 “ “ Nos. 5 & 6,*

*Issue summons accordingly.*

*Prosecution to take step.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.55/2021**

Order No.13.  
dt. 01.12.2022.

Today is fixed for hearing of the petition filed by the prosecution u/s.294 of Cr P C and examination of the accused persons u/s. 313 of Cr P C.

Both the accused persons on CB are present by filing hazira.

Ld P P in-charge, Mr Jayanta Barman is found absent without step.

Ld Defence counsel is present.

The petition u/s. 294 of Cr P C filed by the prosecution is taken up for hearing.

Heard Ld Advocate for the defence.

During hearing Ld Defence counsel raises no objection on the prayer of rthe prosecution as sought for.

Considered.

The petition u/s. 294 of Cr P C filed by the prosecution is allowed on consent.

Let the document, Memo Of Arrest of accused, Gopal Adhikary, Memo of Arrest of accused, Baleswari Roy and PM report of the deceased, Pulak Roy are marked Exbt. 7, 8 & 9 respectively.

DA to note.

The record dis taken up for examination of the accused persons u/s. 313 of Cr P C.

Both the accused persons are examined in part u/s. 313 Cr PC and deferred for want of time.

Fix **06.01.2023** for further examination of the accused persons u/s. 313 of Cr P C.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Alipurduar PS Case No. 74/17 dt. 14.02.2017**

Order No.39,  
dt. 02.12.2022.

*Today is fixed for appearance and evidence of CSW Nos. 13 & 20.*

*Sole accused, Jahidul Islam on CB is present by filing hazira.\*

*Ld P P in-charge, MrSubrata Sarkar as well as Ld Defence counsel are present.*

*Witness, Ex-ASI, Pradip Kumar Biswas is present, who is examined in chief, crossed in full and discharged as PW12. He has formal proof the inquest report, defacto complainant ad body challan, two seizure-lists as marked Exbts-4, 5, 6 & 7 respectively.*

*One another witness, SI, Anirban Majumder is present, who is IO of this case and has adduced his evidence in part as PW13. He has formal proof the endorsement on the written complaint as Exbt-8. He examination in chief is deferred on being prayed by Ld prosecution.*

*Ld prosecution pointed out before the Ld court that the IO, SI, Anirban Majumder has not cited the complainant, Kabul Mia in the list of the charge-sheet as witness, rather, his evidence is necessary.*

*SI, Anirban Majumder is directed to secure attendance of the complainant, Kabul Mia, S/O, Late Samser Ali of Morichbari, PS- Kotwali, District- Coochbehar before the Ld court on **07.12.2022** positively.*

*Let a copy of order be handed over to SI, Anirban Majumder for his information and compliance.*

*The SP, Alipurduar is hereby permitted to SI, Anirban Majumder to go under jurisdiction of Kotwali PS, Coochbehar for securing attendance of said witness.*

*Let a copy of order be sent to SP, Alipurduar for his information.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Let a copy of the order No. 39 dt. 02.12.2022 be handed over to SI, Anirban Majumder for his information and compliance and let another copy be sent to SP Alipurduar for information.

Additional District Judge,  
**FTC-II, Alipurduar**

**S/C.10/2012**

Order No.94,  
dt. 30.11.2022.

Today is fixed for passing order on the petition dt. 24.06.2022 filed by the prosecution.

All [3] accused persons on CB are absent by petition.

Ld P P in-charge Mr Dulal Ghosh files hazira.

Perused the petition dt.24.06.2022 filed by the prosecution u/s. 293 of Cr P C. By the instant application, the prosecution has prayed to make mark as Exhibit the statement recorded u/s.164 of Cr P C of the witnesses by Ld Magistrate with dispense of formal proof on the ground inter alia that the Ld Magistrate comes under the group of Expert.

Ld Defence counsel orally raised objection on advance argument of the Ld prosecution and submits that the Ld Magistrate does not come under the group of the Expert as the provision of section 293 (4) Cr P C and the such petition is baseless and prayed for rejection of the said petition.

Considered the submission of both sides, I have gone through the provision of section 293(4) of Cr P C and find that this section applies to the following Experts, namely,

- i] Hand writing Expert,
- ii] Ballistic Expert,
- iii] Serological Expert,
- iv] Finger Print Bureau Expert,
- v] Scientific Expert,

From those above said Group of Experts a Judicial Magistrate does not come under the Group of Experts.

In the above mentioned legal aspect, I think that the prayer of the prosecution to make mark as exhibit the statement recorded u/s. 164 of Cr P C by Ld Magistrate with dispense of formal proof cannot be accepted.

Hence,

it is ordered

that the petition dt. 24.06.2022 filed by the prosecution u/s. 293 (4) Cr P C is considered and rejected but without cost.

Fix **06.03.2023** for evidence of Ld Magistrates, namely, Shri Surajit Mondal & Shri Sarat Kumar Chhetri.

Let a letter be sent to the Hon'ble High Court, Calcutta along with requisition of summons for causing servicing upon the witnesses, Ld Magistrates, namely, Shri Surajit Mondal & Shri Sarat Kumar Chhetri, erstwhile posted at Alipurduar Court on **30.04.2011.**

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.138/2017**  
**GR Case No. 262/91**  
**Birpara PS Case No. 26/91 dt. 15.04.1991**  
**u/s. 364/302/201/34 of I P C.**

Order No.33,  
dt. 29.11.2022.

Today is fixed for appearance and evidence of Manjati Lama.

All [3] accused persons on CB, are absent by petition and they are represented through their Ld Advocate u/s.317 of Cr P C.

Ld P P in-charge, Mr Babul Saha is present.

Witness, Manjati Lama is produced and identified by LC/790, Nandi Kerketta of Birpara PS. She is examined in chief, crossed in full and discharged as PW1.

No other PW is present.

The case is adjourned today.

The OC, Birpara PS is hereby directed to serve the summons upon the witness, Bishnu Thapa, S/O Narbir Thapa of Dakbungalow line, Lankapara TG and SI, Dilip Kumar Roy, the then OC, Birpara PS erstwhile posted at Birpara PS on 15.04.1991.

Fix **14.02.2023** for evidence of CSW No. 3, Bishnu Thapa and IO, SI Dilip Kumar Roy.

Issue summons accordingly.

Prosecution to take step.

Accused must be present.

Let a copy of order be handed over to LC/790, Nandi Kerketta of Birpara PS for handing over the same to OC, Birpara PS for his information to secure their attendance before the Ld Court on the date fixed.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_ /FTC-II

dt. 29.11.2022

Let a copy of the order No. 33 dt. 29.11.2022 be handed over to LC/790, Nandi Kerketta of Birpara PS for handing over the same to OC, Birpara PS for his information to secure their attendance before the Ld Court on the date fixed for information and compliance.

*Additional District Judge,  
FTC-II, Alipurduar*

**S/C.261/2017**  
**GR Case No. 585/2000**

Order No.50.  
dt. 23.11.2022.

*Today is fixed for appearance & evidence.*

Out of [3] accused persons on CB, one accused, Bimal Santal is absent by petition and he is represented through his Ld Advocate u/s.317 of Cr P C and the rest [2] accused persons are present by filing hazira.

Ld P P in-charge files a petition praying for adoption of examination in chief of the PWs, which are already on record on the grounds stated therein.

Ld Advocate for the accused persons also files a petition for adoption of cross-examination of the PWs, which are already on record on the grounds stated therein.

Heard. Both the petitions are considered and allowed.

Accordingly, the prosecution evidence is closed.

Fix **09.12.2022** for examination of the accused persons u/s.313 of Cr P C.

All the accused persons must be present on the date fixed.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Misc. Appeal. 12/2015**

Order dt. 24.11.2022

Record is put up on the strength of a put up petition.

Petitioner, Md Kalimuddin Mia files a verified petition with praying to send the document Exbt-5, i.e., certified copy of registered sale deed being No. 2344 of 2009 to the Ld court below which was lying in the present Misc Appeal case before a this Ld court.

Considered.

Perused the record and find that the instant Misc. appeal has been disposed of on contest on 16.03.2020 but the impugned deed being No. 2344/2009 Exbt-5 [certified copy] is lying in the record. Hence, the said impugned document be sent to the Ld court below for his information.

Let a copy of the order along with above mentioned document [certified copy of Exbt-5] be sent to the Ld court of Civil Judge, Jr. Division, Alipurduar.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_ /FTC-II

dt. 24.11.2022

Let a copy of the order dt. 24.11.2022 along with above mentioned document [certified copy of Exbt-5] be sent to the Ld court of Civil Judge, Jr. Division, Alipurduar.

Additional District Judge,  
FTC-II, Alipurduar

**S/C. 77/2012**  
**GR Case No. 2088/2011**  
**Birpara PS Case No. 128/2011 dt.26.09.2011**

Order No.92,  
dt. 22.11.2022.

*Today is fixed for evidence of CSW Nos. 2 & 3.*

*Out of [3] accused persons on CB, one accused, Mukunda Munda files a time petition on the ground of illness but without supporting any paper and other [2] accused persons, namely, Sankar Suri & Bishnu Oraon are found absent without step.*

*Ld P P in-charge, Mr Basudeb das files hazira.*

*Two witnesses, namely, Bunu Baraik & Rinki Kharia are present but they are not examined.*

*Perused the record that find that the conducting Ld Advocate namely, Babul Saha is found absent, although, on the last occasion he filed vakalatnama and moved bail application on behalf of accused, Bishnu Oroan & Sankar Suri.*

*Today, on calling, conducting Ld Advocate, Mr Babul Saha is found absent and his junior Ld Advocate submits before the Ld court that his senior is not willing to take step on behalves of the said two accused persons. This submission is very pathetic for conducting Ld Advocate as per the Advocate Act.*

*However, issue WA against all the accused persons namely, Mukunda Munda, Sankar Suri & Bishnu Oraon.*

*The bail bonds are forfeited.*

*Ld ACJM, Alipurduar is requested to draw proceeding against the sureties, namely, Pinaki Dutta, Narayan Basak & Samir Chanda u/s. 446 of Cr P C.*

*Let the subsequent dates, **23.11.2022. 24.11.2022 & 24.11.2022** be shifted.*

Fix **10.01.2023** for ER of WA.

Let a copy of order along with bail bonds sent to the Ld ACJM, Alipurduar for his information and action.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 22.11.2022

Let a copy of order No.92 dt. 22.11.2022 along with bail bonds be sent to the Ld ACJM, Alipurduar for his information and action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 246/2020**  
**CIS No. 246/2020**

Order No.11,  
dt. 22.11.2022

Today is fixed for PH.

The Petitioner/wife, Smt Ankita Barman and the respondent/husband, Shri Sukanta Roy are present by filing hazira.

Ld Advocates for both parties jointly files a petition praying for passing final order on the basis of settling the dispute before the mediation, Alipurduar on mutual consent along with an affidavit.

Considered.

Seen the mediation report which was held on 14.09.2022 and find that the case has been settled amicably on mutual consent between the parties, the marriage tie is dissolved accordingly.

Hence,

**it is ordered :**

the instant Mat suit No. **246/2020** be and same is disposed of in terms of settlement before the mediation, Alipurduar on 14.09.2022.

Accordingly, the decree be drawn.

Let the report of mediation be part of the decree.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C. 223/2012**  
**GR Case No. 348/2011**  
**Falakata PS Case No. 61/2011 dt.19.02.2011**

Order No.71.  
dt. 21.11.2022.

Today is fixed for ER of WA.

Ld P P in-charge, Mr Dulal Ghosh files hazira.

One NER is received from Falakata PS against the accused, Sunil Roy @ Puchkutu and prays for another date for execution of warrant.

Considered.

IC, Falakata PS is hereby directed to execute the WA against the accused, Sunil Roy @ Puchkutu, S/O Late Arya Roy of Malsagaon, PS- Falakata, positively by 24.02.2023.

Fix **24.02.2023** for ER of WA.

Let a copy of this order be sent to IC, Falakata PS for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.11.2022*

*Let a copy of order No.71 dt. 21.11.2022 be sent to I/C, Falakata PS for  
information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 260/2017**

Order No.34,  
dt. 19.11.2022.

*Today is fixed for appearance.*

*Out of [3] accused persons on CB, one accused, Rajen Lohar is present by filing hazira and [2] accused persons, namely, Raju Rava & Gobin @ Bhotey Dorjee are absent by petition and they are represented through their Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge Mr Dulal Barman files hazira.*

*One petition on behalf of Gobin @ Bhotey Dorjee has been filed for extention of ad-interim bail on the grounds stated therein.*

*Considered. Let the ad-interim bail be extended till 31.01.2023.*

*On perusal of the record it appears that the charge against the accused, Gobin @ Bhotey Dorjee is not framed yet.*

*Todate, i.e., 31.01.2023 is fixed for framing of charge against the accused, Gobin @ Bhotey Dorjee.*

*Fix **31.01.2023** for appearance and charge.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 260/2018**

Order No.30,  
dt. 19.11.2022.

*Today is fixed for further report from superintendent, Berhampore Central Correctional Home, Murshidabad.*

*UTP, Thakur Prasad Bhattarai is produced from JC and he is taken into custody.*

*Ld P P in-charge Mr Narayan Chandra Ghosh files hazira.*

*Received a report of the Medical Board submitted by superintendent of Berhampore Central Correctional Home, Murshidabad through superintendent of Alipurduar District Correctional Home, it appears that the said UTP, Thakur Prasad Bhattarai is declared fit and able to stand in trial.*

*Let the report of Medical Board, is kept with the record.*

*Fix **21.01.2023**for production and charge.*

*Superintendent, Alipurduar District Correctional Home is directed to produce the accused on the date fixed.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,*

*Addl. Sessions Judge,*

**S/C. 199/2018**

Order No. 33.  
dt. 19.11.2022.

*Today is fixed for ER of WPA against the accused, Rajesh Sahani.*

*One report has been received from Jaigaon PS and it reveals from the said report that the accused, Rajesh Sahani is out of station and his present whereabouts is not known to any one of his neighbours or relatives and accordingly, Nil seizure-list is prepared and sent to this court.*

*Heard. Considered.*

*Accordingly, the accused, Rajesh Sahani is filed for the present in the instant case.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 155/2015**

Order No. 70.  
dt. 18.11.2022.

Today is fixed for appearance of convicts and report of District Probation Officer, Alipurduar.

Received two separate reports from District Probation Officer, Alipurduar in respect of convicts, Debendra Sharma & Manoj Sharma respectively, and nothing adverse has been reported against them.

Let the report of District Probation Officer, Alipurduar be kept with the record.

Fix **17.02.2023** for appearance of convicts and report of District Probation Officer, Alipurduar.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 18.11.2022

Let a copy of order No.70 dt. 18.11.2022 be sent to The District Probation Officer, Alipurduar for information.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 139/2013**

*For verification, interpretor, Biswajit Barman is examined in chief and crossed as PW9, who deposed that the victim girl, Ranju Oraon is unable to understand the language of the court or gesture and posture. She is telling in Sadhri language and for which he [interpretor] is unable to understand the victim's language or gesture and posture. Therefore, the interpretor, Biswajit Barman is discharged. The victim Ranju Oraon is also discharged without examination.*

*Ld P P in-charge, Mr Arun Ganguly submits that on earlier occasion the victim was produced before the court but she could not say any thing to support the prosecution case and accordingly, prays for closure of the evidence of the prosecution.*

*Considered.*

*The evidence of prosecution is closed.*

*On perusal of the record it appears the examination of the accused u/s.313 of Cr P C was done on 28.02.2020.*

*Accordingly, fix **02.02.2023** for argument.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.85,  
dt. 04.11.2022.

*Today is fixed for evidence of CSW No. 1.  
Accused Bandhana Oraon is produced from JC and he is taken into custody.  
Ld P P Mr P N Majumder files hazira.  
Ld Defence counsel is also present.  
No PW is present.*

*Received a report from RO, Alipurduar , it appears that the 3<sup>rd</sup> IO, SI, Harish Chandra Barman is expired on 10.06.2020 and for which the summons has not been served upon the witness Kajal Oraon.*

*In this circumstances, the Case is adjourned today.*

*2<sup>nd</sup> IO, SI, Palden Sherpa is directed to produce the witnesses on the date fixed for trial and to remain present during the course of trial as per the verdict of Hon'ble Apex Court. He is also directed to produce the seized alamat in connexion with this case on the date fixed.*

*Let the name of witness, SI, Harish Chandra Barman be expunged from the list of the charge-sheet.*

*DA to note.*

*Fix **03.01.2023** for evidence of CSW NO. 1, Kajal Oraon.*

*Issue fresh summons upon the CSW No. 1, Kajal Oraon, S/O, Bandhana Oraon of Mura Line, Kohinoor T E, PS- Samuktala District- Alipurduar.*

*Let a copy of order be sent to 2<sup>nd</sup> IO, SI, Palden Sherpa for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Mat Suit No. 234/2021**

Order No. 2,  
dt. 10.11.2022

*Today is fixed for framing of Issue.*

*The Petitioner, Arindam Kumar Bose takes no step.*

*On calls, he is found absent.*

*None appears on behalf of him.*

*The respondent, Smt Sucheta Paul is present and files a petition under O 14 Rule 2 C P C with supported by an affidavit.*

*By the instant application, the Ld Advocate for respondent submits that one divorce suit being Mat Suit No. 65/2017 u/s. 27 of Special Marriage Act, 1954 was filed and moved before the Ld court of District Judge, Coochbehar in between the parties where the respondent/present petitioner, Arindam Bose was not appeared and Ld District, Coochbehar was pleased to pass an Ex parte decree in favour of the present respondent/petitioner of the said Mat suit Smt Sucheta Paul and accordingly, marriage tie in between the parties has been dissolved on 08.01.2018.*

*In this circumstance, the present application u/s.9 of H M Act, 1955 filed by the petitioner, Arindam Bose for restitution of conjugal right is not maintainable.*

*Considered.*

*Prayer is allowed.*

*Hence,*

*it is ordered ;*

*The instant mat suit being No. 234/2021 filed by the petitioner, Arindam Kumar Bose be and same is hereby dismissed for non maintainability ground.*

*Thus, the instant Mat Suit is disposed of.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.55/2021**

*No other PW is present today.*

*Prosecution pointed out with a petition that the PW3, Karun Kumar Roy adduced his evidence on 13.07.2022 wherein he stated in chief that on 15.07.2021 at night the elder brother of Pulak Roy namely, Alok Roy & Swapan Roy caught raid handed illicit relation in between Baleswari Roy & Gopal Adhikary. The such date & month is true but the year '2021' is typographical mistake which would be '2019'. the such mistake should be rectified for future complication.*

*Ld Defence counsel concedes the submission of Ld Prosecution and submits that it is typographical mistake.*

*In this circumstances, the prayer of the prosecution is allowed.*

*Let the year, 2019 to be put in the place of wrongly typed year, 2021.*

*Ld prosecution files a petition u/s. 294 of Cr P C with praying to mark the Memo of arrest of accused, Gopal Adhikary, Memo of arrest of accused, Baleswari Roy & P M report of deceased, Pulak Roy with dispense of formal proof.*

*Copy served and objected to.*

*Let it kept with the record.*

*Fix **01.12.2022** for hearing of the instant petition filed by Ld Prosecution and examination of the accused persons u/s.313 of Cr P C.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Order No.12,  
dt.07.11.2022.*

*Today is fixed for evidence.  
Both the accused p*

Out of [15] accused persons on CB, [14] accused persons are present by filing hazira and one accused, Mona Oraon is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Mr Santanu Biswas as well as Ld defence counsel is present.

Seen the SR it appears that the summons duly served upon doctor, Chetan Roy but on calls he is found absent.

No other PW is present.

Perused the record and find that the name of the IO has already been expunged from the charge-sheet. All the listed witnesses in the charge-sheet have been exhausted.

Fix **04.11.2022** for examination of the accused persons u/s. 313 of Cr P C.

All the accused persons must be present.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 30/2021**  
**GR Case No. 1765/2011**  
**Samuktala PS Case No. 217/2011 dt.20.08.2011**

Order No.12.  
dt. 04.11.2022.

Today is fixed for evidence of CSW No. 1.

Accused Bandhana Oraon is produced from JC and he is taken into custody.

Ld P P Mr P N Majumder files hazira.

Ld Defence counsel is also present.

No PW is present.

Received a report from RO, Alipurduar , it appears that the 3<sup>rd</sup> IO, SI, Harish Chandra

Barman is expired on 10.06.2020 and for which the summons has not been served upon the witness Kajal Oraon.

In this circumstances, the Case is adjourned today.

2<sup>nd</sup> IO, SI, Palden Sherpa is directed to produce the witnesses on the date fixed for trial and to remain present during the course of trial as per the verdict of Hon'ble Apex Court. He is also directed to produce the seized alamat in connexion with this case on the date fixed.

Let the name of witness, SI, Harish Chandra Barman be expunged from the list of the charge-sheet.

DA to note.

Fix **03.01.2023** for evidence of CSW NO. 1, Kajal Oraon.

Issue fresh summons upon the CSW No. 1, Kajal Oraon, S/O, Bandhana Oraon of Mura Line, Kohinoor T E, PS- Samuktala District- Alipurduar.

Let a copy of order be sent to 2<sup>nd</sup> IO, SI, Palden Sherpa for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_ /F T C-II, dt. 04.11.2022

Let a copy of order No.12 dt. 04.11.2022 be sent to 2<sup>nd</sup> IO, SI, Palden Sherpa for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 53/2022**

Order No. 2.  
dt. 03.11.2022

*Today is fixed for Issue.*

*The Petitioner, Smt Mampi Biswas and the respondent, Shri Ranjit Biwas are present by filing hazira.*

*Ld Advocates for the both parties are present.*

*An affidavit has been filed jointly by both the petitioner and the respondent stating that the matter has been settled amicably out of court and now they have been living together peacefully as husband and wife and they are not willing to proceed with this case.*

*Considered.*

*Hence,*

*it is ordered :*

*that the petitioner is permitted to withdraw the instant Mat Suit without liberty to file a fresh suit.*

*Thus, the instant Mat Suit is disposed of.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C. 50/2021**  
**GR Case No. 2269/20**  
**Samuktala PS Case No. 267/2020 dt.09.01.2020**

Order No.13,  
dt. 29.09.2022.

Today is fixed for report from RFSL, Jalpaiguri along with seized alat and evidence of CSW Nos. 4 & 6.

Accused, Samit Gowala is produced from JC and he is taken into custody.

Ld P P Mr PN Majumder is present by filing hazira.

No PW is present. No SR is received.

Received a report from ASI, Aswini Barman of Samuktala PS, it appears that the chemical examination report yet to be prepared and it needs to sometime.

Considered.

ASI, Aswini Barman of Samuktala PS is hereby directed to go personally and collect the RFSL report and seized alat in connexion with this case and produce the same before this Ld court on **08.12.2022.**

Fix **08.12.2022** for RFSL report.

Let a copy of order be sent to ASI, Aswini Barman of Samuktala PS for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 29.09.2022

Let a copy of order No. 13 dt. 29.09.2022 be sent to ASI, Aswini Barman of Samuktala PS for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 336/2021**

Order No. 2.  
dt. 26.09.2022

Today is fixed for Ex parte hearing.

The Petitioner, Smt Rupali Bhadra is present.

One petition is filed on behalf of petitioner Smt Rupali Bhadra. By the instant application, the petitioner has sought for permission to withdraw this case against her husband, namely, Shri Subrata Saha on the ground stated therein.

Considered.

Prayer is allowed.

Hence,

it is ordered :

that the petitioner is permitted to withdraw the instant Mat Suit without liberty to file a fresh suit.

Thus, the instant Mat Suit is disposed of.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 329/2021**

**Later,**  
**dt. 28.09.2022**

*After passing the above order, the Ld Advocate for the petitioner is present with a petition and submits that inadvertently, the Lawyer's hazira on behalf of the petitioner has been filed before Ld court of Addl. District Judge, Alipurduar. On calling, the step on behalf of the petitioner is not found in the record.*

*The petitioner, therefore, has prayed to recall the above said order and may be permitted to proceed with this case.*

*Considered.*

*Prayer is allowed.*

*Let the above said extract order be recalled.*

*The petitioner is hereby permitted to contest this case.*

*Fix **20.01.2023** for Ex parte hearing.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C. 13/2018**

Order No.45,  
dt. 28.09.2022.

*Today is fixed for order.*

*Record is put up for passing order on the petition dt. 24.08.2022 filed by the defence.*

*Sole accused, Gopal Gour is produced from JC and he is taken into custody.*

*Ld P P, Mr P N Majumder as well as Ld defence counsel is present.*

*Perused the petition dt.24.08.2022 filed by the accused. By the instant application, the defence counsel is seeking permission to recall of PW3, Arjun Gour and PW4, Ranjit Gour by invoking the provision of section 311 of Cr P C on ground inter alia that last date on 29.04.2022 the defence counsel had got serious accident and could not appear before the Ld court and on that day two witnesses, Arjun Gour & Ranjit Gour were present and they examined in chief as PW3 & PW4 but the accused person could not get chance to cross examine of said two witnesses. Therefore, it is required to recall them for their cross-examination by the defence, otherwise, the accused will be prejudiced.*

*In this circumstances, section 311 of Cr P C has principles that the petitioner may prefer the petition for recall of witnesses to further cross-examine on the point of allotment was inadvertently left as stated by the petitioner.*

*Further, the Hon'ble Court hold in a reported case law Johnson...Vs...State of Kerala, 1997 CrLJ 1228 that the court has power to recall and reexamine any person already examined for just decision of the case it cannot do so with an intention to determine prosecution case.*

*Here, the case it is admitted fact that PW3, Arjun Gour & Pw4, Ranjit Gour were examined in chief and cross-examine was declined due to absence of conducting defence counsel. It is the interest of justice the defence has right to cross-examine the prosecution witnesses*

*s examine the witness, namely, Arun Debnath [PW1] after declaring him hostile on ground inter*

alia that the complainant/PW1 is appeared today and adduced his evidence by the prosecution as well as in cross-examination, but unfortunately, the said witness favours the defence case, at the time of cross-examination which is fatal to the prosecution case. At this juncture, the prosecution may be permitted to declare the witness as hostile, as he deliberately discredited the prosecution case.

No written objection has been filed on behalf of the accused person against the impugned petition but Ld defence counsel orally raises objection on the prayer of the prosecution and further submits that the prosecution is trying to fill up the lacunae. If the instant petition is allowed then the defence will be highly prejudiced.

Considered the submissions of both sides, first of all, I would like to go to statue as provided under section 154 of Indian Evidence Act- the court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Section 154 of the Evidence Act is the only provision under which a party calling its own witness may claim permission of the court to cross-examine them. The section confers a judicial decision on the court to permit cross-examination and does not contain any condition or principle which may govern the exercise of such discretion. However, it is well settled that the discretion must be judiciously and properly exercised in the interests of justice. A party will not normally be allowed to cross-examine its own witness and declared the same hostile, unless the court is satisfied that the statement of the witness exhibits an element of hostility or that he has resiled from a material statement which he made before an earlier authority or where the court is satisfied that the witness is not speaking the truth and it may be necessary to cross-examine him to get out the truth. Before a witness can be declared hostile and the party examining the witness is allowed to cross-examine him, there must be some material to show that the witness is not speaking the truth or has exhibited an element of hostility to the party from whom he is deposing.

Here, the case in hand, it appears the witness, Arun Kumar Debnath [PW1] has adduced evidence in chief and has formal proof the written complaint wherein he identified his signature as marked Exbt-3 but in cross-examination he stated that the FIR which he has lodged is heard statement and he has deposed as in chief which he heard. But he cannot collect memory from whom he heard. The such piece of statement by the prosecution witness No. 1 in cross-examination is destructive to the prosecution case. So, this witness can be declared hostile and it may be necessary to cross-examine him to get out the truth.

Thus, the prayer of the prosecution is allowed.

Fix 20.12.2022 for evidence of PW1 on recall.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 295/2022**

Order No. 3,  
dt. 26.09.2022

Today is fixed for Issue.

The Petitioner/wife, Smt Mamani Karjee and the respondent/husband, Shri Prasit

Karjee are present by filing hazira.

Ld Advocates for both parties jointly files a petition praying for passing final order on the basis of settling the dispute before the mediation, Alipurduar on mutual consent along with an affidavit.

Considered.

Seen the mediation report which was held on 19.09.2022 and find that the case has been settled amicably on mutual consent between the parties, the marriage tie is dissolved accordingly.

Hence,

**it is ordered :**

the instant Mat suit No. **295/2022** be and same is disposed of in terms of settlement before the mediation, Alipurduar on 19.09.2022.

Accordingly, the decree be drawn.

Let the report of mediation be part of the decree.

Dictated & corrected  
by me ;

Sd/- [Anil Kumar Prasad]

Addl. District Judge,  
FTC-II, Alipurduar.

Sd/- [Anil Kumar Prasad]

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C. 30/2019**

Order No.21,  
dt. 23.09.2022.

Record is put up for passing order on the petition dt.25 .07.2022 filed by the prosecution. Accused, namely, Bidhan Chandra Saha on CB is present by filing hazira. Ld P P, Mr P N Majumder as well as Ld defence counsel is present.

Perused the petition dt.25.07.2022 filed by the Ld prosecution which is neither verified nor supported by an affidavit. By the instant application, the prosecution has sought for permission to cross examine the witness, namely, Arun Debnath [PW1] after declaring him hostile on ground inter alia that the complainant/PW1 is appeared today and adduced his evidence by the prosecution as well as in cross-examination, but unfortunately, the said witness favours the defence case, at the time of cross-examination which is fatal to the prosecution case. At this juncture, the prosecution may be permitted to declare the witness as hostile, as he deliberately discredited the prosecution case.

No written objection has been filed on behalf of the accused person against the impugned petition but Ld defence counsel orally raises objection on the prayer of the prosecution and further submits that the prosecution is trying to fill up the lacunae. If the instant petition is allowed then the defence will be highly prejudiced.

Considered the submissions of both sides, first of all, I would like to go to statue as provided under section 154 of Indian Evidence Act- the court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Section 154 of the Evidence Act is the only provision under which a party calling its own witness may claim permission of the court to cross-examine them. The section confers a judicial decision on the court to permit cross-examination and does not contain any condition or principle which may govern the exercise of such discretion. However, it is well settled that the discretion must be judiciously and properly exercised in the interests of justice. A party will not normally be allowed to cross-examine its own witness and declared the same hostile, unless the court is satisfied that the statement of the witness exhibits an element of hostility or that he has resiled from a material statement which he made before an earlier authority or where the court is satisfied that the witness is not speaking the truth and it may be necessary to cross-examine him to get out the truth. Before a witness can be declared hostile and the party examining the witness is allowed to cross-examine him, there must be some material to show that the witness is not speaking the truth or has exhibited an element of hostility to the party from whom he is deposing.

Here, the case in hand, it appears the witness, Arun Kumar Debnath [PW1] has adduced evidence in chief and has formal proof the written complaint wherein he identified his signature as marked Exbt-3 but in cross-examination he stated that the FIR which he has lodged is heard statement and he has deposed as in chief which he heard. But he cannot collect memory from whom he heard. The such piece of statement by the prosecution witness No. 1 in cross-examination is destructive to the prosecution case. So, this witness can be declared hostile and it may be necessary to cross-examine him to get out the truth.

Thus, the prayer of the prosecution is allowed.

Fix **20.12.2022** for evidence of PW1 on recall.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 268/2013**  
**GR Case No. 2832/12**  
**Kalchini PS Case No. 198/2012 dt.21.12.2012**

Order No.65.  
dt. 23.09.2022.

Today is fixed for further evidence of IO on recall.

Out [4] accused persons are absent by petition and they are represented through their Ld Advocate u/s.317 of Cr P C.

Ld P P in-charge Mrs Srimoyee Ghosh Majumder and Ld defence counsels are present

hazira.

No PW is present.

Perused the record and find that IO, SI, Rinchen Lama Bhutia is now posted as Inspector, IB, Siliguri.

The commissioner ate, Siliguri is directed with request to secure attendance of inspector, SI, Rinchen Lama Bhutia before this Ld court on the date fixed.

Fix **13.12.2022** for evidence of IO.

All accused persons must be present.

Issue summons accordingly.

Let a copy of order along with fresh summons be sent to Commissioner ate Siliguri for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 23.09.2022

Let a copy of order No. 65 dt. 23.09.2022 along with fresh summons be sent to Commissioner ate, Siliguri for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.39/2017**

**GR Case No.129/11**

**Falakata PS case No. 19/11 dt. 17.01.2011**

**Order No.27,**  
**dt.23.09.2022.**

Today is fixed for ER of WA and appearance.

Out of [4] accused persons on CB, [2] accused persons are present by filing hazira and rest [2] accused persons, namely, Md Ali Mia and Rabiul Haque

are absent by petition.

Considered.

One accused, Jamaluddin Mia is voluntarily surrendered before the Ld court and he is taken into custody.

A bail application on behalf of accused, Jamaluddin Mia is filed and moved.

Copy served.

Ld P P , Mr P N Majumder is present.

Heard both sides.

Considered.

Accordingly, the accused, Jamaluddin Mia may find bail of Rs. 6,000/-, with two registered sureties of Rs. 3,000/- each, subject to the satisfaction of Ld ACJM-II, Alipurduar and on condition to appear each and every dates so fixed by Ld Court otherwise warrant will be issued automatically without reference.

To **17.12.2022** for appearance, if on bail & charge.

All the accused persons must be present.

Let a copy of order be sent to ACJM-II, Alipurduar for information and necessary action.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 23.09.2022

Let a copy of order No.27 dt. 23.09.2022 be sent to Ld. ACJM-II, Alipurduar, for information and taking necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Fix **28.10.2022** for production and examination of the accused, u/s. 313 of Cr P C.

Let a copy of order be sent to Superintendent, Alipurduar District Correctional Home, for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 15.09.2022

Let a copy of order NO.30 dt. 21.09.2022 be sent to Superintendent, Alipurduar District Correctional Home, for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.119/2017**

**GR Case No.831/10**

**Alipurduar PS case No. 139/10 dt. 09.05.2010**

Order No.30.  
dt.21.09.2022.

Today is fixed for production.

Accused, Nantu Biswas is not produced from JC.

Received a report from superintendent, Alipurduar District Correctional Home, it appears that the accused/UTP, Nantu Biswas is admitted in Alipurduar District Hospital due to suffering from Covid positive since 20.09.2022. The doctor's prescription is annexed herewith.

Let it be kept with the record.

A bail application on behalf of Nantu Biswas is filed and moved.

Copy served.

Ld P P in-charge, Mr Malay Biswas is present by filing hazira.

The bail application is considered and rejected on the ground that the accused is admitted at Hospital with carrying covid positive.

Fix **28.10.2022** for production and examination of the accused, u/s. 313 of Cr P C.

Let a copy of order be sent to Superintendent, Alipurduar District Correctional Home, for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 15.09.2022

Let a copy of order NO.30 dt. 21.09.2022 be sent to Superintendent, Alipurduar District Correctional Home, for his information and compliance.

**S/C.68/2011**

GR Case No.890/21

Alipurduar PS case No. 158/21 dt. 22.05.2021

Order No.10.  
dt.21.09.2022.

*Today is fixed for ER of WWA and evidence.*

*Sole accused, Ram Kumar is produced from JC and he is taken into custody.*

*Seen the Memo of arrest and PR Bond, it appears that the witness, Ram Niwas Munda furnished bond with condition to appear before the Ld court today.*

*On calls, witness, Ram Niwas Munda is present in court but he is not examined on the prayer of Ld prosecution and he is released.*

*Seen a message, it appears that the seized alamat is lying in RFSL, Jalpaiguri and same are not produced before the Ld court today.*

*SI, Dwipandra Narayan of Alipurduar PS is hereby directed to go to RFSL, Jalpaiguri and collect the seized alamat along with the report in connexion with this case and produce the same before the Ld court on the date fixed.*

*Fix **17.01.2022** for evidence of CSW No. 1 and production of seized alamat.*

*Let a copy of order be SI, Dwipandra Narayan of Alipurduar PS for his information and compliance.*

*Subsequently, one bail application on behalf of accused, Ram Kumar is filed and moved.*

*During hearing Ld Advocate for the accused submits that the accused is in custody since 23.05.2021. on detention ground the accused may be released on bail.*

*Ld P P raises objection on the point of bail and submits that the accused is principal accused and having sufficient materials in the CD and it is fit case for custody trial.*

*Considered, bail application, CD and charge-sheet and other materials in record, it appears that the accused is the FIR named accused person and seized weapon is recovered from his possession and other eye witnesses made their judicial statements.*

*Considering the gravity of the offence the prayer for bail is rejected at this stage.*

*Return CD.*

*Todate.*

by me ;

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.09.2022*

*Let a copy of order NO.10 dt. 21.09.2022 be SI, Dwipandra Narayan of Alipurduar PS for his information and compliance.*

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

**S/C.68/2019**

**Order No.23.  
dt.16.09.2022.**

*Today is fixed for evidence of doctor.*

Out of [15] accused persons on CB, [14] accused persons are present by filing hazira and one accused, Mona Oraon is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Mr Santanu Biswas as well as Ld defence counsel is present.

Seen the SR it appears that the summons duly served upon doctor, Chetan Roy but on calls he is found absent.

No other PW is present.

Perused the record and find that the name of the IO has already been expunged from the charge-sheet. All the listed witnesses in the charge-sheet have been exhausted.

Fix **04.11.2022** for examination of the accused persons u/s. 313 of Cr P C.

All the accused persons must be present.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 172/2022**

Order No. 3.  
dt. 15.09.2022

The record is put up on the strength of a put up petition.

The Petitioner, Smt Mampi Talukder[ Ghosh] is present.

One petition is filed on behalf of petitioner Smt Mampi Talukder [Ghosh] along a

*fresh vakalatnama. By the instant application, the petitioner has sought for permission to withdraw this case against her husband, namely, Shri Gopal Talukder on gro*

*Considered.*

*Prayer is allowed.*

*Hence,*

*it is ordered :*

*that the petitioner is permitted to withdraw the instant Mat Suit without liberty to file a fresh suit.*

*Thus, the instant Mat Suit is disposed of.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.138/2017**

**GR Case No.262/91**

**Birpara PS case No. 26/91 dt. 15.04.1991**

**Order No.32.**  
**dt.15.09.2022.**

*Today is fixed for appearance of SI, Balai Chandra Sarkar, ASI, Prakash Minj along with witness, Manjati Lama.*

SI, Balai Chandra Sarkar is present and submits with a petition that witness, Manjati Lama, W/O Late Antare Lama resided at Madrasi Line of Lankapara T G of Line No. 20 under PS- Birpara. She is not residing of line No. 10.

Considering this fact, I have gone through the FIR and charge-sheet, it appears that Manjati Lama having residence at 20 No. Line at Lankapara TG.

In this circumstances, the report of SI, Balai Chandra Sarkar is accepted and he is directed to secure the attendance of witness, Manjati Lama before the Ld court on **29.11.2022** positively.

Let a copy of order be handed over to SI, Balai Chandra Sarkar for his information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 15.09.2022

Let a copy of order NO.32 dt. 15.09.2022 be handed over to SI, Balai Chandra Sarkar for his information and compliance. .

**S/C.22/2021**

Order No.14.  
dt. 14.09.2022.

*Today is fixed for further evidence.*

*Sole accused, Amrit Oraon @ Toppo on CB is absent by petition and he is represented u/s. 317 of Cr P C.*

*Ld P P in charge, Mr Rajib Sutradhar and Ld Defence counsel are present.*

*One, witness, SI, Utpal Narginary is present but he is not examined due to absence of accused and seized alamat.*

*Ld PP in-charge files a petition u/s.311 of Cr P C with praying to adduce evidence of witness, Regina Oraon, W/O Anil Oraon & Dinabala Toppo, W/O Kanailal Toppo both of Uttar Simlabari,PS- Alipurduar, who are not cited witness but their evidence is required for just decision of this case.*

*Copy served.*

*During hearing Ld Advocate for the defence raises no objection on the prayer of the prosecution.*

*In this circumstances.*

*Hence,*

*it is ordered*

*that the petition u/s.311 of Cr P C filed by the prosecution is hereby considered and allowed.*

*The prosecution is hereby permitted to issue summons upon the above said two witness, namely, Regina Oraon, W/O Anil Oraon & Dinabala Toppo, W/O Kanailal Toppo*

*Fix **21.12.2022** for evidence of Regina Oraon & Dinabala Toppo.*

***22.12.2022** " " Dr. Deepmalya Sengupta & ASI, Pradip Kr Roy.*

*The IO SI, Utpal Narginary is directed to serve the summons through his agent and secure their attendance before the Ld court on the date fixed.*

*Accused as before.*

*Dictated & corrected  
by me ;*

**Mat Suit No. 236/2021**

Order No. 2,  
dt. 13.09.2022

*Today is fixed for SR.*

*The Petitioner, Tamal Sarkar is present by filing hazira.*

*An affidavit filed by the petitioner stating that the matter has been settled out of court and he is not willing to proceed with this case.*

*Considered.*

*Hence,*

*it is ordered :*

*that the petitioner is permitted to withdraw the instant Mat Suit without liberty to file a fresh suit.*

*Thus, the instant Mat Suit is disposed of.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.69/2016**  
**GR Case No.2552/15**  
**Falakata PS case No. 753/15 dt. 06.09.2015**

Order No.25,  
dt. 08.09.2022.

Today is fixed for production and medical report of UTP, Ananda Roy.  
Accused/UTP, Ananda Roy is produced from JC and he taken into custody.  
Ld P P in charge, Mr Basudeb Roy and Ld Defence counsel are present.  
No medical report in favour of UTP, Ananda Roy is produced by Superintendent of Berhampore Central Correctional Home. Even he was under treatment at Berhampore Mental Hospital.

The Superintendent of Berhampore Central Correctional Home is directed to submit report regarding mentally fit or not in favour UTP, Ananda Roy for trial.

Let a copy of order be sent to Superintendent, Berhampore Central Correctional Home, for information and compliance.

The UTP, Ananda Roy is further sent to JC till 21.12.2022.

Fix **21.12.2022** for production and report.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_ /F T C-II, dt. 09.09.2022

Let a copy of order NO.25 dt. 09.09.2022 be sent to Superintendent, Berhampore Central Correctional Home, for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**Mat Suit No. 15/2019**  
**CIS No. 15/2019**

Order No. 20,  
dt. 09.09.2022

*Today is fixed for PH as a special last chance.*

*The Petitioner and OP file time petition on the ground of illness. But none of single any paper or any paper cited in her/his respective petitions.*

*On calls, neither Ld Advocate for the petitioner nor Ld Advocate for the OP is present. The ground stated in the respective time petitions is not trustworthy and according the time petitions filed by both sides is considered and rejected.*

*No PW is present.*

*In the above circumstances, having no alternative to pass an order that the instant suit shall be dismissed for default.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.15/2016**  
**GR Case No. 2900/15**  
**Kumargram PS case No. 359/15 dt. 11.10.2015**

Order No.36.  
dt. 09.09.2022.

Today is fixed for evidence of Dr Sandipan Sarkar.  
Accused/UTP, Ram Oraon is produced from JC and he taken into custody.  
Ld P P in charge, Mr Babul Saha and Ld Defence counsel are present.  
No PW is present.  
SR is returned after service.

Received a report from CMOH, Alipurduar, it appears tjhat the summons sent to BMOH of Kalchini R H, causing servicing upon Dr Sandipan Sarkar.

On calls Dr Sandipan Sarkar is found absent.

NO any prayer is being made on behalf of doctor for his absence.

In the above circumstances, having no alternative issue bailable warrant against the witness, Dr Sandipan Sarkar for Rs. 500/- with condition to appear before the Ld court on the date fixed.

CMOH, Alipurduar is directed with request to appear personally before this Ld court along with Dr Sandipan Sarkar on **29.09.2022 at 10:45** a m positively, failing which law will run in its own course against them.

The accused/UTP is further sent to JC till **29.09.2022**.

Let a copy of this order along with requisition of warrant be sent to CMOH, Alipurduar for his information and compliance.

The GRO, Alipurduar is directed to serve the copy of order upon CMOH, Alipurduar through a special messenger.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_ /F T C-II, dt. 07.09.2022

Let a copy of order NO.36 dt. 09.09.2022 along with requisition of warrant be sent to CMOH, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.138/2017**  
**GR Case No. 262/91**  
**Birpara PS case No. 26/91 dt. 15.04.1991**

Order No.31,  
dt. 07.09.2022.

Today is fixed for ER of WWA of Manjali Lama and evidence.

Out of [3] accused person on CB [2] accused persons are present by filing hazira and one accused, Babulal Thapa is absent by petition and he is represented through his Ld Advocate lu/s.317 of Cr P C

Ld P P in charge, Mr Babul Saha and Ld Defence counsel are present.

No PW is present.

Received a report from OC, Birpara PS, it appears that the witness, Manjali Lama is not residing in her locality since 14/15 years ago and nobody can say her whereabouts. This report is submitted by SI, Balai Chandra Sarkar of Lankapara OP under PS- Birpara.

On perusal of the record it appears that the summons upon the witness, Manjali Lam was served on 22.05.2022 by putting LTI of Manjali Lama and ASI, Prakash Minj submitted a compliance report that the summons is duly served.

In the above contradictory statement of SI, Balai Chandra Sarkar and ASI, Prakash Minj a doubt is created in the mind of the court and therefore, the OC, Birpara, namely, P T Bhutia is hereby directed to appear personally along with the said two officers, SI, Balai Chandra Sarkar and ASI, Prakash Minj along with the said witness, Manjali Lama before the Ld court on **15.09.2022**, failing which the proceeding will be started against all of them.

Let a copy of this order be handed over to Shri Mithun Pal, Civic Volunteer [02] of Birpara PS for his information and compliance.

Fix **29.11.2022** for ER of WWA, appearance and evidence.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 07.09.2022*

*Let a copy of order NO.31 dt. 07.09.2022 be handed over to Shri Mithun Pal, Civic Volunteer [02] of Birpara PS for his information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**Title Appeal No. 03/2020**

Order No.10,  
dt. 05.09.2022.

*Today is fixed for hearing.*

*Appellant files hazira.*

*Respondent NOs. 1 & 2 file a petition praying for time for hearing on the next date.*

*Ld Advocate Appellant submits with a petition that the respondent No. 3, Smt Sabita Barman is no more in the world, who died on 12.08.2022 and prays for time for taking legal step against the deceased.*

*Considered.*

*Prayer for time is allowed.*

*Fix **03.12.2022** for taking step against the deceased, Sabita Barman.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C.37/2011**  
**GR Case No. 664/10**  
**Jaigaon PS case No. 142/2010 dt. 16.04.2010**

Order No.80,  
dt. 06.09.2022.

*Today is fixed for evidence of and ER of WWA and evidence  
Both the accused persons on CB are present by filing hazira.  
Ld P P in charge, Mr Babul Saha and Ld Defence counsel are present.  
No PW is present.  
No ER of WWA is received.*

*Perused the record and find that the requisition of warrant was sent to SP, Darjeeling for execution of bailable warrant against the witness, Dr Uday Sankar, S/O Shri Siddheswar Singh of Paramount Nursing Home, Siliguri through OC, Matigara PS vide process No. 405 dt. 05.08.2022. But no ER of WWA is received.*

*Police Commissioner, Siliguri Police Commissionerate, is requested to draw your attention to execute the above said warrant through said IC, Siliguri PS and submit the execution report for securing the attendance of said doctor with keeping mind that this case is too old and his evidence is necessary for adjudication of the case.*

*Let a copy of this order be sent to the Police Commissioner, Siliguri Police Commissionerate and one another copy be sent to IC, Siliguri PS through special messenger for their information and compliance.*

*The GRO, Alipurduar is directed to take step for servicing these copies of order to the above concerned.*

*Fix **29.11.2022** for ER of WWA, appearance and evidence.  
Accused as before.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 06.09.2022*

*Let a copy of order NO.80 dt. 06.09.2022 be sent to the Police Commissioner, Siliguri Police Commissionerate and one another copy be sent to IC, Siliguri PS, through special messenger for their information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C.51/2014**

**GR Case No. 1073/13**

**Samuktala PS case No. 110/2013 dt. 17.05.2013**

**Order No.69,**  
**dt. 06.09.2022.**

*Today is fixed for evidence of and ER of WWA.  
Accused, Lawrence Hasda on CB is present by filing hazira.  
Ld P P in charge, Mr Babul Saha and Ld Defence counsel are present.*

No PW is present.

No ER of WWA is received.

Perused the record it appears that ASI, Gurudas Roy was present before the Ld court on 02.12.2021 and he collected requisition of bailable warrant against the witness, Charushila Murmu and Mani Jahan Murmu for execution with the assistance of OC, Samuktala PS but till today the said ASI Mr Roy has not been submitted either execution report or secure of attendance of those witnesses.

In this circumstances, OC, Samuktala PS is hereby directed to secure the attendance of ASI, Gurudas Das along with the above said witnesses before this Ld court on the date fixed with execution of above said warrants.

Fix **08.12.2022** for ER of WWA appearance of evidence.

Let a copy of order be sent to OC, Samuktala PS for his information and compliances.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 06.09.2022

Let a copy of order NO.69 dt. 06.09.2022 be sent to OC, Samuktala PS for his information and compliances.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C. 195/2017**

Order No.37,  
dt.30.08.2022.

Today is fixed for ER of WPA.

Ld P P in-charge, is present by filing hazira.

Received a report from OC, Birpara PS, it appears that the proclamation of attachment against the warrantee accused, Maniraj Thapa has been executed with observing all the formalities in presence of witnesses, namely, Binum Thapa & Moni Thapa and found warrantee accused has been absconding from his house and no article is found in his house and therefore, nil seizure-list is prepared.

Considering the report of Birpara PS as well as seizure-list, I think that this case may be filed for the present against the warrantee accused, Maniraj Thapa who is an accused of this case.

Hence,

it is ordered :

that the instant case is filed for present against the warrantee accused, Maniraj Thapa

DA to note.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 161/2021**  
**CIS No. 161/2021**

Order No. 09.  
dt. 01.09.2022

Today is fixed for reconciliation.

Ld Advocates for the both parties jointly files a petition praying for passing final order on the basis of settling the dispute before the mediation, Alipurduar.

Considered.

Seen the mediation report which was held on 23.06.2022 and find that the case has been settled amicably on mutual consent between the parties, the marriage tie is dissolved accordingly.

Hence,

**it is ordered :**

the instant Mat suit No. **161/2021** be and same is disposed of in terms of settlement before the mediation, Alipurduar on 23.06.2022.

Accordingly, the decree be drawn.

Let the report of mediation be part of the decree.

Dictated & corrected

by me ;

Sd/-[Anil Kumar Prasad]

Sd/- [Anil Kumar Prasad]

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C.1/2018**

Order No.43,  
dt. 30.08.2022.

Today is fixed for evidence of CSW Nos. 18 & 20.  
Accused, Pintu Barman on CB is present by filing hazira.  
Ld P P in-charge, Mr Arun Tarafder is present and files hazira.

One witness, Shri Rajesh Sarkar has been examined and cross-examined in full as PW12 and discharged. He has identified his signature on the written complaint, which is marked Exbt-1/1.

No more witness is present.

At this stage, Ld prosecution files a petition on the grounds that the statement u/s. 164 of Cr P C recorded by Ld Judicial Magistrate may be marked under the exhibit list with dispense of formal proof by Ld Magistrate.

Copy served.

During hearing Ld defence counsel raises no objection on the prayer of the Ld prosecution, rather, he submits that the judicial statement may be marked in the exhibit list in order to avoid delay.

Considered.

Prayer of the prosecution is allowed.

Let the judicial statement of witnesses, Ranjan Roy & Bhaben Roy are marked as 9 & 10 in the exhibit list [on consent] as per provision of section 74 of the Indian Evidence Act.

Fix **19.11.2022** for evidence of IO.

Issue summons accordingly.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.161/2018**  
**GR Case No. 1352/16**  
**Birpara PS case No. 85/2016**

Order No.25.  
dt. 31.08.2022.

Today is fixed for evidence of IO.

Accused, Sarat Oraon is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in charge and Ld Defence counsel are present.

IO, SI, Partha Barman is present and he is examined in chief, crossed in full and discharged. He has formal proof FIR, endorsement on the written complaint, rough sketch map along with index as marked Exbt-3, 1/1 & 4 respectively.

No other PW is present.

The case is adjourned today.

Fix 08.09.2022 for examination of the accused person u/s. 313 of Cr P C.

The IO, SI Partha Barman is hereby directed to produce the accused person, Sarat Oraon on the date fixed.

The OC, Birpara PS is hereby directed to assist SI, Partha Barman for securing attendance of accused, Sarat Oraon before this Ld court on the date fixed.

Let a copy of order be handed over to SI, Partha Barman for his information and compliance and one another copy be sent to OC, Birpara PS for his information.

Dictated & corrected  
by me ;

Sd/-

Sd/

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 31.08.2022

Let a copy of order NO.25 dt. 31.08.2022 be be handed over to SI, Partha Barman for his information and compliance and one another copy be sent to OC, Birpara PS for his information.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 115/2017**

Order No.25,  
dt.30.08.2022.

Today is fixed for ER of WPA.

Ld P P in-charge, is present by filing hazira.

Received a report from OC, Jaigaon PS, it appears that the proclamation of attachment against the warrantee accused, Deon Kumar Rai has been executed with observing all the formalities in presence of witnesses, namely, Rikesh Nagasia & Kailash Tamang and found warrantee accused has been absconding from his house and no article is found in his house and therefore, Nil seizure-list is prepared.

Considering the report of Jaigaon PS as well as seizure-list, I think that this case may be filed for the present against the warrantee accused, Deon Kumar Rai who is the sole accused of this case.

Hence,

it is ordered :

that the instant case is filed for present against the warrantee accused, Deon Kumar Rai.

DA to note.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**Mat Suit 53/2021**  
**CIS No. 53/2021**

Order No. 10,  
dt. 30.08.2022

*Today is fixed for filing amended plaint.*

*Ld Advocates for the both parties jointly files a petition praying for passing final order on the basis of settling the dispute before the mediation, Alipurduar.*

*Considered.*

*Seen the mediation report which was held on 26.07.2022 and find that the case has been settled amicably on mutual consent between the parties, the marriage tie is dissolved accordingly.*

*Hence,*

***it is ordered :***

*the instant Mat suit be and same is disposed of in terms settlement before the mediation, Alipurduar on 26.07.2022.*

*Accordingly, the decree be drawn.*

*Let the report of mediation is part of the decree.*

*Dictated & corrected  
by me ;*

*Sd/-[Anil Kumar Prasad]*

*Sd/- [Anil Kumar Prasad]*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.13/2018**

Order No.43.  
dt. 24.08.2022.

*Today is fixed for evidence of Dr Manas Pal & IO, SI Prem Kumar Thami.*

*Accused, Gopal Gour is produced from JC and he is taken into custody.*

*Ld P P, Mr P N Majumder is present by filing hazira.*

*IO, SI, Prem Kumar Thami is present.*

*Ld Advocate for the defence files a petition with praying for time on the ground inter alia that a petition u/s. 311 of Cr P C has been filed today on behalf of the accused person so it is not possible to examine the IO as if the petition u/s./ 311 of Cr P C is allowed, the IO is required to examine.*

*Considered.*

*The time petition is allowed.*

*IO, SI, Prem Kumar Thami is released for the day.*

*Defence counsel one files one petition u/s. 311 of Cr P C on behalf of the accused persons to recall PWs 3 & 4 for their cross-examination on the ground inter alia that on 29.04.2022, Ld conducting Advocate could not appear before the Ld court due to serious accident. In absence of conducting Advocate cross-examination of PW3 & PW4 were declined. The cross-examination of those witnesses are the most important in judicial system to reach the truth. If the accused persons not get chance of cross-examination of those witnesses then it will injustice to them.*

*Copy served and objected to.*

*Ld Prosecution submits with a petition that as per order dt. 29.04.2022 it is clear that the witnesses, Ranjit Gour & Arjun Gour were examined in chief, cross examined in full. As per this order it is clear that Ld defence counsel was present and declined to cross-examine the said witnesses. Ld prosecution further submits that the section 311 of Cr P C is very much clear that the section cannot be used to fill the lacunae of either parties and it is the duty of the applicant to clarify in which point, wants to recall the witness, otherwise, the petition will be rejected.*

*Heard both sides.*

*Fix **31.08.2022** for order.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

Order No.10,  
dt. 24.08.2022.

*Today is fixed for production and further cross-examination of PW1.*

*Both UTP are produced from JC and they are taken into custody.*

*Ld P P, Mr P N Majumder is present by filing hazira.*

*PW1, Sariful Islam is present.*

*Ld Defence counsel takes no step.*

*On repeated calls, Ld defence counsels are not appeared on behalf of the accused persons. No any petition files on behalf of both the UTP for absence of their conducting Ld Advocate and they are not willing for further cross-examination of PW1.*

*In this circumstances, the cross-examination of PW1 has not taken and he is discharged.*

*After passing the above order, UTP, Hudlu Haque @ Tika @ Alauddin @ Chhoto Budhlu submits in open court that he has no capacity to afford the private lawyer and he prays for giving panelled Lawyer from SDLSC, Alipurduar.*

*Considered.*

*The Chairman, SDLSC, Alipurduar is requested to appoint a panelled Ld Lawyer on behalf of UTP, Hudlu Haque @ Tika @ Alauddin @ Chhoto Budhlu for conducting the case.*

*Fix **03.12.2022** for ER of WA & appearance.*

*Let a copy of order be sent to SDLSC, Alipurduar for appointment a panelled Ld Advocate for conducting the case on behalf of UTP, Hudlu Haque @ Tika @ Alauddin @ Chhoto Budhlu for information.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 24.08.2022*

*Let a copy of order NO.10 dt. 24.04.2022 be sent to SDLSC, Alipurduar for appointment a panelled Ld Advocate for conducting the case on behalf of UTP, Hudlu Haque @ Tika @ Alauddin @ Chhoto Budhlu for information.*

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C 155/2015**  
**GR Case No. 927/2012**  
**Falakata PS case No. 132/12 dt. 26.04.2012**

Order No.66,  
dt. 18.08.2022.

*Today is fixed for appearance.*

*The District Probation Officer, Alipurduar is present.*

*Both the convicts, Manoj Sharma & Debendra Sharma are present.*

*The District Probation Officer, Alipurduar took custody of said two convicts on furnishing the bond of Rs. 10,000/- each with direction to maintain peace in the society and shall not commit any such offence in future.*

*Both the convicts are also directed to visit time to time to the District Probation Officer, Alipurduar so as call for.*

*Fix **18.11.2022** for appearance of the convicts and report from District Probation Officer, Alipurduar.*

*Let a copy of order be sent to the Probation Officer, Alipurduar for his information.*

*Subsequently, the convicts file a petition with praying to deposit the compensation amount of Rs. 20,000/- as a tune of Rs. 10,000/- each, in favour of injured Gopal Prasad as per order of the Ld court dt. 04.08.2022.*

*Considered.*

*The Judicial Cashier, Alipurduar Court is hereby directed to accept the compensation amount of Rs. 20,000/- as a tune of Rs. 10,000/- each, from both the convicts in favour of the injured Gopal Prasad.*

*Let a copy order be sent to Judicial Cashier, Alipurduar for his information and compliance.*

*After showing the receipt of deposit amount, a notice will be issued in favour of injured Gopal Prasad with direction to appear before the Ld court along with document for his own identification on 31.08.2022.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,**  
**FTC-II, Alipurduar.**

**Addl. Sessions Judge,**  
**FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 18.08.2022*

*Let a copy of order NO.66 dt. 18.08.2022 be sent to the Probation Officer,  
Alipurduar and Judicial Cashier, Alipurduar Court information.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 01/2015**

**Order No.41,**  
**dt.12.08.2022.**

*Today is fixed for ER of WPA.*

*Ld P P in-charge, Mr Subhash Roy is present by filing hazira.*

*Received a report from OC, Kalchini PS, it appears that the proclamation of attachment against the warrantee accused, Mantu Roy has been executed with observing all the formalities u/s. 82 & 83 of Cr P C in presence of witnesses, namely, Agnu Baraik & Raju Das and found warrantee accused has been absconding from his house and no article is found in his house and therefore, Nil seizure-list is prepared.*

*Considering the report of Kalchini PS as well as seizure-list, I think that this case*

may be filed for the present against the warrantee accused, Mantu Roy who is the sole accused of this case.

Hence,

it is ordered :

that the instant case is filed for present against the warrantee accused, Mantu Roy.

DA to note.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C. 260/2018**  
**GR Case No. 2312/2017**  
**Samuktala PS case No. 322/2017 dt. 10.12.2017**

Order No.29,  
dt. 12.08.2022

Today is fixed for further report from superintendent, Alipurduar District Correctional Home.

UTP, Thakur Prasad Bhattarai is not produced.

Received a report from Superintendent, Berhampore Central Correctional Home along with a medical certificate, it appears that the UTP, Thakur Prasad Bhattarai is not mentally fit to attend the Ld court being a psychiatric patient under medication till date

and therefore, he could not be produced before the Ld court today.

Considered.

Fix **19.11.2022** for further report from Superintendent, Berhampore, Central Correctional Home, Murshidabad.

Let a copy of order be sent to the Superintendent, Berhampore, Central Correctional Home, Murshidabad and also inform to superintendent, Alipurduar District Correctional Home, Alipurduar.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 12.08.2022

Let a copy of order NO.29 dt. 12.08.2022 be sent to Superintendent, Berhampore, Central Correctional Home, Murshidabad & Alipurduar District Correctional Home, Alipurduar.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C. 168/2017**

Order No.15,  
dt. 12.08.2022

*Today is fixed for further evidence.*

*Out of [5] accused persons on CB, [4] accused persons are present by filing hazira and one accused, Ajay Thapa is absent by petition and he is represented u/s. 317 of Cr P C.*

*Ld P P in-charge, Mr Babul Saha, as well as Ld defence counsel is present.*

*One witness, Dilip Thapa is present and he is examined in chief and cross-examination in full and discharged as PW3. He has identified his signature on the inquest report as marked Exbt-4.*

*No other PW is present.*

*Perused the death certificates, it appears that the following witnesses, namely, Dambar Singh Thapa, Saila Thapa, Ratnabir Lama & Bhatirath Suri are dead and therefore, their names are expunged in the list of the charge-sheet.*

*Ld P P in-charge submits that the prosecution produced as many as [3] witnesses and other private witnesses are not alive. Those three witnesses have not supported to the prosecution case. So, the public witnesses are not required and the evidence may be closed.*

*Considered.*

*The evidence on the side of the prosecution is closed.*

*Fix **26.08.2022** for examination of the accused persons, DW if any, argument.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

Order No.19,  
dt. 05.08.2022

Today is fixed for order in respect of petition dt.25 .07.2022 filed by the Ld prosecution.

Ld P P as well as Ld defence counsel file their respective haziras.

Court is busy otherwise.

Hence, the case is adjourned for the day.

Fix **20.08.2022** for order.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Order No.24,  
dt.08.08.2022.

*Today is fixed for ER of WPA.*

*Ld P P Mr P N Majumder is present by filing hazira.*

*Received a report from OC, Kalchini PS, it appears that the proclamation of attachment against the warrantee accused, Prakash Oraon has been executed with observing all the formalities u/s. 82 & 83 of Cr P C in presence of witnesses, namely, Dinesh Oraon & Mongra Oraon and found warrantee accused has been absconding from his house and no article is found in his house and therefore, Nil seizure-list is prepared.*

*Considering the report of Kalchini PS as well as seizure-list, I think that this case may be filed for the present against the warrantee accused, Prakash Oraon who is the sole accused of this case.*

*Hence,*

*it is ordered :*

*that the instant case is filed for present against the warrantee accused, Prakash Oraon @ Bariya.*

*DA to note.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 12.07.2022*

*Let a copy of order NO.44 dt. 12.07.2022 be sent to Ld ACJM-II, Alipurduar for information.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 119/2017**

Order No.327  
dt. 08.08.2022.

*Today is fixed for evidence.*

*Accused, Nantu Biswas on CB is present by filing hazira.*

*Ld P P in-charge, Mr Malay Biswas as well as Ld defence counsel is present and file hazira.*

*Witness, Smt Anita Dey is brought under arrest for her evidence and a PR Bond of Rs. 500/- is submitted on her behalf and accordingly she is released without taking her evidence.*

*Ld prosecution submits with a petition that the prosecution produced as many as four witnesses in this case on the earlier occasion and their evidence in chief have adopted against the present accused and no further evidence is required. So, the evidence on the side of the prosecution may be closed.*

*Ld defence counsel submits with a petition that the cross-examination of those four witnesses have been taken and their cross-examination may be considered in favour of the present accused person.*

*Considered.*

*Hence,*

*it is ordered*

*that the evidence of the prosecution is closed.*

*Fix **25.08.2022** for examination of the accused person u/s. 313 of Cr PC.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

GR Case No.3415/14  
Kalchini PS case No. 193/14

Order No.43,  
dt. 12.07.2022.

Today is fixed for production, appearance and charge.

Out of [9] accused persons on CB, [7] accused persons are present by filing hazira and [2] accused persons, namely, Tapan Das & Sankar Biswas are found absent by petition.

Ld P P in-charge Mr Dulal Ghosh is present by filing hazira.

Received a report from Superintendent Siliguri Special Correctional Home, it appears that accused, Dipak Shil, who has got bail in connexion with GR Case No. 1841/2022 on 04.06.2022 by the order of Ld ACJM, Siliguri.

Considered.

Let it be kept with the record.

ON call Dipak Shil is present in court.

Ld prosecution prays warrant against the absentee accused, on the ground inter alia that the case is too old and the charge could not frame due to absence of accused persons out of them one or two in every day.

Considered.

Prayer is allowed.

Issue WA against the absentee accused persons, namely, Tapan Das, S/O Sushil Das of Mairadanga, PS- Falakata, District- Alipurduar and Sankar Biswas, S/O Late Rabi Biswas of Ghoskadanga, High road, Chowpathy, PS- Ghoskadanga, District- Coochbehar.

The bail bond is forfeited.

Ld ACJM, Alipurduar is hereby requested to draw proceeding against the surety, Shri Sulalit Mallick u/s.446 of Cr P C.

Let the bail bond and copy of order be sent to Ld ACJM, Alipurduar for information.

Fix **01.11.2022** for ER of WA & appearance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 12.07.2022

Let a copy of order NO.43 dt. 12.07.2022 be sent to Ld ACJM, Alipurduar for information.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C 347/2018**  
**GR Case No. 2943/2013**  
**Kumargram PS case No. 432/13 dt. 04.12.2013**

Order No.18,  
dt. 08.08.2022.

Today is fixed for appearance & ER of WA.

[2] accused persons on CB are present by filing hazira.

Ld P P in-charge, Mr Dulal Ghosh is present and files hazira.

Received a report from Alipurduar PS, it appears that warrantee accused, Shibu @ Mithun Mondal is JC in connexion with Alipurduar PS case No. 356/19 dt. 22.08.2019 u/s 22[C] of NDPS Act.

Issue production warrant.

The Superintendent of District Correctional Home, Alipurduar is hereby directed to produce the accused, before the Ld court on the strength of production warrant on 23.11.2022.

Fix **23.11.2022** for production, appearance and charge.

Let a copy of order be sent to Superintendent of District Correctional Home, Alipurduar for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_ /F T C-II, dt. 08.08.2022

Let a copy of order NO.18 dt. 08.08.2022 be sent to Superintendent of District Correctional Home, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C 24/2011**  
**ST No. 18/2011**  
**Jaigaon PS case No. 294/10 dt. 30.08.2010**  
**u/s. 302 of I P C [CRA No. 1/2022]**

**Convicts : 1] Shri Manjil @ Manjit Rai, S/O, Hari Kumar Rai**  
**2] Bidhan Mongar, S/O Kancha Mongar**  
Vs.  
**State of West Bengal.**

**Order No. 1**  
**dt. 01.08.2022**

Received one order dt. 28.07.2022 passed by Hon'ble High Court, Calcutta in connexion with CRA No. 1/2022 communicated by Hon'ble Court vide Memo No. 1647 Cr. [A] dt. 28.07.2022 that the appellants shall be released from custody if not wanted in any other case upon executing a bond to the satisfaction of trial court which shall continue for a period of six months in terms of section 437A of the Cr P C.

In view of the order of Hon'ble Court, Calcutta, both convicts, namely, Manjil @ Manjit Rai & Bidhan Mongar are hereby released on their furnishing PR bond of Rs. 5000/- each, with condition to appear before the Ld court on the date fixed.

Fix **01.02.2023** for appearance and awaiting necessary order from the Hon'ble High Court, Calcutta.

The Superintendent of Jalpaiguri Central Correctional Home is hereby directed to release the above named convicts, if not wanted in any other case and submit a compliance report by the date fixed.

Let a copy order be sent to Superintendent of Jalpaiguri Central Correctional Home for his information and compliance.

Dictated & corrected  
by me ;  
Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 01.08.2022

Let a copy order No. 1 dt. 01.08.2022 be sent to Superintendent of Jalpaiguri Central Correctional Home for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**Title Appeal No. 8/2018**

Order No.9.  
dt. 01.08.2022.

*Today is fixed for SR and appearance.*

*Appellant is present and files hazira.*

*The principal OP Nos. 1 & 2 file Lawyer's hazira.*

*Two Closed envelops are returned without servicing with postal remark "unclaimed".*

*In the above position, the service upon Pro-respondent NO. 4, Smt Pranati Dutta Roy @ Pranati Dey and Pro-defendant No. Bijali Dutta Roy @ Bijali Sarkar may be presumed good service as per provision of General Clause Act.*

*No SR is received against the Pro-respondent Nos. 1, 2 & 3.*

*The appellant is directed to file requisite through court process causing servicing upon them.*

*The appellant is given opportunity to make necessary party of this appeal.*

*Fix **23.11.2022** for appearance & SR.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

**S/C 155/2015**  
**GR Case No. 927/2012**  
**Falakata PS case No. 132/12 dt. 26.04.2012**

Order No.63.  
dt. 30.07.2022.

*Today is fixed for delivery of judgment.*

*Ld P P in-charge, Mr Basudeb Das files hazira.*

*Both the accused persons are absent by petition.*

*Perused the absent petition and find that the ground stated therein is not sufficient. No any medical paper is annexed with this petition.*

*Accordingly, the time petition is rejected.*

*Issue WA against both the accused persons, namely, Manoj Kumar Sharma & Debendra Sharma.*

*IC, Falakata PS is hereby directed to execute the warrant against both the accused persons and produce them on **03.08.2022** positively.*

*Let a copy order along with requisition of warrant be sent to IC, Falakata PS for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 30.07.2022*

*Let a copy of order NO.63 dt. 30.07.2022 along with requisition of warrant be sent to IC, Falakata PS for his information and compliance..*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C 186/2014**

Order No.79,  
dt. 26.07.2022.

The record is put up for passing order on the petition dt. 13.07.2022 filed by the petition.

Both the accused persons, on CB are present by filing hazira.

Ld P P takes no step.

Perused the petition dt. 13.07.2022 by the prosecution u/s. 311 of Cr P C. By the said application, the prosecution has sought for permission to recall the PW15, Smt Anila Rana, Autopsy Surgeon and IO of the case.

Copy served.

During hearing Ld prosecution submitted that the PW15, Smt Anila Rana is examined in part on 05.09.2017 and since then she is not turned up and Autopsy Surgeon, Dr Rajib Prasad and IO, SI, Pasa Bhutia are not examined in this case, even their evidence is necessary for adjudication of this case.

Ld Defence counsel raised objection on an advance submission of Ld prosecution and submits that the prosecution cannot be used the power u/s.311 of Cr P C to fill up the lacunae in the prosecution evidence. The prosecution has preferred this application after the defence had disclosed his defence in the argument. So, the instant petition is clearly tantamount to fill up the lacunae in this case.

Considered the submission of both sides, I have gone through the record and find that the prosecution produced as many as [18] witnesses and after completed the recording of evidence of witnesses, after recording 313 of Cr P C statement of the accused persons and after hearing of the argument of both sides in this case, the prosecution has preferred this application. This apart, I also find that on 21.05.2022, Ld prosecution himself submitted before the Ld court that he could not trace out the PM report and prayed for date may be fixed for argument and on subsequent date on 14.06.2022 Ld prosecution brought PM report and filed the same before the Ld court with an application for exhibit mark. Ld court was pleased to mark the PM report as Exbt-14 [objected to] with dispense of formal proof by Dr Rajib Prasad.

The IO, SI, Pasa Bhutia is not turned up before the Ld court in spite of repeated summons and therefore, Ld court pleased to close the evidence of IO and fixed on 14.01.2020 for examination of accused persons u/s.313 of Cr P C. Accordingly, the accused persons were examined u/s. 313 of Cr P C and completed the argument of both sides.

No doubt, u/s 311 of Cr P C, any court may, at any stage of any enquiry, trial or other proceeding summon any person as a witness or examine any person in attendance, though not summoned as a witness or recall and re-examine any person already examined, if it is essential to the just decision of the case, however, at the same time the said power u/s.311 of Cr P C cannot be used to fill in the lacunae in the prosecution case.

Contd....

**S/C 186/2014**

On considering the principle of above statute I find that the arguments were from both sides and Ld defence counsel brought the Ld court the defect of the prosecution case and now the prosecution is trying to fill up the lacunae with invoking the power of u/s.311 of Cr P C, it cannot be allowed, otherwise, the accused persons/petitioners would be seriously prejudiced.

Hence,

it is ordered :

that the petition dt. 13.07.2022 filed by the Ld prosecution is considered and rejected on contest.

Fix **18.08.2022** for delivery of Judgment.

Dictated & corrected  
by me ;

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 26.07.2022*

*Let a copy of order NO.11 dt. 26.07.2022 be sent to the superintendent,  
Alipurduar District Correctional Home for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C 70/20**  
**GR Case No. 468/20**  
**Jaigaon PS case No. 66/20 dt. 27.02.2020**

Order No.11,  
dt. 26.07.2022.

The record is put up on the strength of a put up petition.  
One petition on behalf of accused, Phurba Lama is filed and moved.  
Copy served.

During hearing Ld Advocate for the accused submits that the accused, Phurba Lama is on bail in this case but he was in custody in connexion with GR case No. 1306/22, relating to Jaigaon PS case No. 134/22 dt. 04.06.2022 and he has got bail on 22.07.2022 by the order of Ld ACJM-II, Alipurduar and prays for recall of production warrant.

Considered.

Perused the record and find that the accused was on bail in this case but on 04.07.2022 this Ld court was pleased to issue production warrant.

Accordingly, recall production warrant.

The superintendent, Alipurduar Correctional Home, is hereby directed to release the accused, Phurba Tamang @ Lama, if he is not wanted in any other case.

Todate **03.08.2022** for appearance and charge.

Let a copy of order be sent to the superindendent, Alipurduar District Correctional Home for information and compliance.

Dictated & corrected  
by me ;  
Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 26.07.2022

Let a copy of order NO.11 dt. 26.07.2022 be sent to the superindendent, Alipurduar District Correctional Home for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**Criminal Appeal No. 2/2022**

Order No.5.  
dt. 26.07.2022.

Today is fixed for filing WO by the OP.  
Appellant and OP/respondent file respective hazira.  
Ld Advocate for the respondent/OP orally submits that the WO  
Accused, Gopa Gour is produced from JC and he is taken into custody.  
Ld P P Mr P N Majumder is present by filing hazira.  
Ld Advocate for the accused files a time petition on his personal ground.  
CSW NO. 11, SI, Prem Kumar Thami is present but he is not examined due to  
absence of Ld Advocate for the defence.  
The case is adjourned today.  
Fix **24.08.2022** for evidence of Dr. Manas Pal and IO, SI, Prem Kumar Thami.  
Issue summons accordingly.  
Accused is further sent to JC till date.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.11/2019**  
GR Case No.1604/2017  
Samuktala PS case No. 219/2017 dt. 25 .08.2017

Order No.18.  
dt. 26.07.2022.

Today is fixed for evidence of CSW 1.  
Out of [20] accused persons on CB, [17] accused persons are present by filing  
hazira and [3] accused persons, namely, Jhumki Modak, Anima Modak & Gakul Das are  
absent by petition and they are represented through their Ld Advocates U/s.317 of Cr P  
C.  
Ld P P in-charge Mr Narayan Ghosh is present by filing hazira.  
CSW No. 1, Bhajan Das is present.  
Ld Advocate for the defence counsel pointed out that one accused, Bishambhar

*Modak is no more, he died.*

*Considered.*

*Call for death report of accused, Bishambhar Modak, S/O late Baburam Modak of Uttar Parokatha, PS, Samuktala from OC, Samuktala PS.*

*The witness, Bhajan Das is not examined due to call for death report and accordingly, he is discharged for the day.*

*Fix **29.09.2022** for appearance & call for death report.*

*OC, Samuktala PS is hereby directed to collect the death report of said accused, and submit before the court by the date fixed as it is sessions urgent.*

*Let the copy of order be sent to OC, Samuktala PS, Alipurduar for information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_ /F T C-II, dt. 26.07.2022*

*Let a copy of order NO.18 dt. 26.07.2022 be sent to OC, Samuktala PS, Alipurduar for information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

Order No.4.  
dt. 25.07.2022.

Today is fixed for appearance & death report.  
All [5] accused persons on CB are present by filing hazira.  
Ld P P Mr P N Majumder is present by filing hazira.  
Received a report from Birpara PS along with PM report and found that accused, Sangam Thapa died on 19.05.2022.  
Considered.  
Let the name of accused, Sangam Thapa be expunged in the list of the charge-sheet.  
DA to note.  
Fix **22.09.2022** for appearance & charge.  
Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.13/2018**

Order No.42.  
dt. 16.07.2022.

Today is fixed for evidence of CSW 11.  
Accused, Gopa Gour is produced from JC and he is taken into custody.  
Ld P P Mr P N Majumder is present by filing hazira.  
Ld Advocate for the accused files a time petition on his personal ground.  
CSW NO. 11, SI, Prem Kumar Thami is present but he is not examined due to absence of Ld Advocate for the defence.  
The case is adjourned today.  
Fix **24.08.2022** for evidence of Dr. Manas Pal and IO, SI, Prem Kumar Thami.  
Issue summons accordingly.  
Accused is further sent to JC till date.

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.181/2016**

Order No.29,  
dt. 14.07.2022.

*Today is fixed for further evidence.*

*Both the accused persons on CB are present. by filing hazira.*

*Ld P P in-charge Mr Madanlal Gupta is present by filing hazira.*

*NO PW is present.*

*Ld prosecution submits with a petition submits that the prosecution produced as many two witnesses in this case but both the witnesses have not supported the case of the prosecution besides the said two witnesses, the rest witnesses except the police personnel are died or out of State and therefore, to avoid the delay, the prosecution case may be closed.*

*Considered.*

*The prosecution evidence is closed.*

*Fix **21.07.2022** for examination of the accused persons u/s. 313 of Cr P C, DW if any & argument.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Mat Suit No. 80/2019**

Order No. 9,  
dt. 14.07.2022

*Today is fixed for hearing.*

*Petitioner is present by filing hazira.*

*OP files Lawyer's hazira.*

*Ld Advocate for the OP submits with a petition that the OP/respondent, Smt Writwika Deb files a divorce suit against the petitioner, Shri Tamoghna Chowdhury u/s. 27[1][d] of Special Marriage Act, 1954 being Mat Suit No. 334/2021 before the Ld Addl.*

District Judge, 2<sup>nd</sup> Fast Track Court, Jalpaiguri and the said divorce suit was heard an ex parte and grant decree of divorce Ex parte on 29.06.2022 in favour of the OP/respondent by dissolving the marriage tie between the petitioner and OP.

Ld Advocate for the petitioner conceded the same and prays for necessary order.

In the above circumstances, I think that the present Mat Suit No. 80/2019 is barred on the principles of resjudicata.

Accordingly, the instant Mat Suit being No. 80/2019 u/s.13A of H M Act, 1955 be and same is dismissed on the ground of resjudicata.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C.197/2019**

GR Case No.1559/2018

Birpara PS case No. 100/2018 dt. 10.09.2018

Order No.18,  
dt. 14.07.2022.

Today is fixed for evidence of CSW 12.

Accused, Ashish Ramgadiya is absent without step.

Ld P P in-charge Mr Dulal Barman is present by filing hazira.

On calls, the accused is found absent and none appears on behalf of him.

Last date, i.e. on 25 .04.2022 the accused was absent without step.

In this circumstances, Issue WA against the accused, Ashish Ramgadiya.

*Bail bond is forfeited.*

*Ld ACJM-II, Alipurduar is requested to draw proceeding against the surety, Sulalit Mallick u/s. 446 of Cr P C.*

*Fix **04.11.2022** for ER of WA.*

*Let the copy of order along with the bail bond be forwarded to Ld ACJM-II, Alipurduar for information.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 14.07.2022*

*Let a copy of order NO.18 dt. 14.07.2022 be sent to Ld ACJM-II, Alipurduar for information.*

*Addl. Sessions Judge,*

**S/C.104/2015**

Order No.46,  
dt. 12.07.2022.

*Today is fixed for report against warrantee accused, Saroj Dorjee.*

*Received a report from OC, Jaigaon PS, it appears that OC, Jaigaon PS, SI, Chandra Prakash Roy enquired the local people and Panchayet member, found that the accused, Saroj Dorjee, out of station since long time and his present whereabouts having no knowledge to any one.*

*On being searched in the house and found nil seizure-list in presence of two witnesses, namely, Rajesh Chhetri and Bhola Kewat.*

*Considered.*

*Let the name of the accused, Saroj Dorjee be filed for the present.*

*DA to note.*

*Further perused the record, it appears that the charge-sheet has been filed against two accused persons, namely, Saroj Dorjee & Milan Dorjee, who has already expired.*

*Accordingly, the instant case is filed for the present against the accused, Saroj Dorjee.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

**S/C.47/2015**  
**GR Case No.3411/14**  
**Jaigaon PS case No. 318/14**

Order No.44,  
dt. 12.07.2022.

*Today is fixed for production, appearance and charge.*

*Out of [9] accused persons on CB, [7] accused persons are present by filing hazira and [2] accused persons, namely, Tapan Das & Sankar Biswas are found absent by petition.*

*Ld P P in-charge Mr Dulal Ghosh is present by filing hazira.*

*Received a report from Superintendent Siliguri Special Correctional Home, it appears that accused, Dipak Shil, who has got bail in connexion with GR Case No. 1841/2022 on 04.06.2022 by the order of Ld ACJM, Siliguri.*

*Considered.*

*Let it be kept with the record.*

*ON call Dipak Shil is present in court.*

*Ld prosecution prays warrant against the absentee accused, on the ground inter ali that the case is too old and the charge could not frame due to absence of accused persons out of them one or two in every day.*

*Considered.*

*Prayer is allowed.*

*Issue WA against the absentee accused persons, namely, Tapan Das, S/O Sushil Das of Mairadanga, PS- Falakata, District- Alipurduar and Sankar Biswas, S/O Late Rabi Biswas of Ghoskadanga, High road, Chowpathy, PS- Ghoskadanga, District- Coochbehar.*

*The bail bond is forfeited.*

*Ld ACJM-II, Alipurduar is hereby requested to draw proceeding against the surety, Shri Sulalit Mallick u/s.446 of Cr P C.*

*Let the bail bond and copy of order be sent to Ld ACJM-II, Alipurduar for information.*

*Fix **01.11.2022** for ER of WA & appearance.*

by me ;

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 12.07.2022*

*Let a copy of order NO.44 dt. 12.07.2022 be sent to Ld ACJM-II, Alipurduar for information.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.68/2015**

**GR Case No.20/2015**

**Madarihat PS case No. 1/2015**

**Order No.45,**  
**dt. 12.07.2022.**

*Today is fixed for production, appearance and charge.*

*Out of [9] accused persons on CB, [7] accused persons are present by filing hazira and [2] accused persons, namely, Tapan Das & Sankar Biswas are found absent by petition.*

*Ld P P in-charge Mr Dulal Ghosh is present by filing hazira.*

*Received a report from Superintendent Siliguri Special Correctional Home, it appears that accused, Dipak Shil, who has got bail in connexion with GR Case No. 1841/2022 on 04.06.2022 by the order of Ld ACJM, Siliguri.*

Considered.

Let it be kept with the record.

ON call Dipak Shil is present in court.

Ld prosecution prays warrant against the absentee accused, on the ground inter ali that the case is too old and the charge could not frame due to absence of accused persons out of them one or two in every day.

Considered.

Prayer is allowed.

Issue WA against the absentee accused persons, namely, Tapan Das, S/O Sushil Das of Mairadanga, PS- Falakata, District- Alipurduar and Sankar Biswas, S/O Late Rabi Biswas of Ghoskadanga, High road, Chowpathy, PS- Ghoskadanga, District- Coochbehar.

The bail bond is forfeited.

Ld ACJM-II, Alipurduar is hereby requested to draw proceeding against the surety, Shri Sulalit Mallick u/s.446 of Cr P C.

Let the bail bond and copy of order be sent to Ld ACJM-II, Alipurduar for information.

Fix **01.11.2022** for ER of WA & appearance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_ /F T C-II, dt. 12.07.2022

Let a copy of order NO.45 dt. 12.07.2022 be sent to Ld ACJM-II, Alipurduar for information.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.55/2015**

GR Case No.3415/14

Kalchini PS case No. 193/14

Order No.43,  
dt. 12.07.2022.

Today is fixed for production, appearance and charge.

Out of [9] accused persons on CB, [7] accused persons are present by filing

hazira and [2] accused persons, namely, Tapan Das & Sankar Biswas are found absent by petition.

Ld P P in-charge Mr Dulal Ghosh is present by filing hazira.

Received a report from Superintendent Siliguri Special Correctional Home, it appears that accused, Dipak Shil, who has got bail in connexion with GR Case No. 1841/2022 on 04.06.2022 by the order of Ld ACJM, Siliguri.

Considered.

Let it be kept with the record.

ON call Dipak Shil is present in court.

Ld prosecution prays warrant against the absentee accused, on the ground inter alia that the case is too old and the charge could not frame due to absence of accused persons out of them one or two in every day.

Considered.

Prayer is allowed.

Issue WA against the absentee accused persons, namely, Tapan Das, S/O Sushil Das of Mairadanga, PS- Falakata, District- Alipurduar and Sankar Biswas, S/O Late Rabi Biswas of Ghoskadanga, High road, Chowpathy, PS- Ghoskadanga, District- Coochbehar.

The bail bond is forfeited.

Ld ACJM, Alipurduar is hereby requested to draw proceeding against the surety, Shri Sulalit Mallick u/s.446 of Cr P C.

Let the bail bond and copy of order be sent to Ld ACJM, Alipurduar for information.

Fix 01.11.2022 for ER of WA & appearance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 12.07.2022

Let a copy of order NO.43 dt. 12.07.2022 be sent to Ld ACJM, Alipurduar for information.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Order No. 9,  
dt. 11.07.2022

*Today is fixed for order.*

*Petitioner as well OP is present and file their respective Lawyer's hazira.*

*Seen the mediation report which was held on 23.06.2022 and find that the case has not been settled between the parties and accordingly, case record was sent back to the referral court for necessary order.*

*Considered.*

*Today both the parties and their Ld respective Advocates are present and not pressed the instant suit and jointly submits that they are not willing to proceed with this case and necessary order may be passed.*

*In the above circumstances,*

*Hence,*

*it is ordered :*

*that the instant mat suit being No. 206/2020 be and same is dismissed for default with liberty to file fresh suit on mutual consent.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

Order No.91,  
dt. 11.07.2022.

Today is fixed for ER of WA and order.

Ld P P in-charge Mr Basudeb Das is present by filing hazira.

Death report is received against accused, Kamal @ Totan Saha who died on 13.12.2020.

Let the name of accused, Kamal @ Totan Saha be expunged in the list of the charge-sheet.

DA to note.

One another NER received against accused, Swapna @ Rakhi Saha, who is absconder.

Issue WPA against her.

Fix **07.11.2022** for ER of WPA.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 28.06.2022

Let a copy of order NO.30 dt. 28.06.2022 be handed over to ASI, Ejajul Haque of Jaigaon PS, for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.187/2016**  
**GR Case No. 1127/16**  
**Samuktala PS case No. 150/16 dt. 25.05.2016**

Order No.39.  
dt. 11.07.2022.

Today is fixed for evidence of CSW Nos. 7 & 9.  
Accused, Balaram Das on CB is present by filing hazira.  
Ld P P in-charge Mr Basudeb Das is present by filing hazira.  
No PW is present.

Ld Advocate for the prosecution pointed out that the victim, Narayan Das and scribe, Biswajit Chakraborty were not examined even they were called by invoking section 311 of Cr P C and prays for issuing a fresh summons upon them.

Considered.

Fresh summons are issued causing servicing upon the witness, Biswajit Chakraborty, S/O Shashadhar Chakraborty of Samuktala under PS- Samuktala and one another Narayan Das, S/O Late Banamali Das of Dakshin Shibkata, Samuktala under PS- Samuktala, District- Alipurduar.

Fix **10.11.2022** for evidence of scribe, Biswajit Chakraborty & victim- Narayan Das [u/s. 311 of Cr P C.]

Issue summons.

Prosecution to take steps.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 28.06.2022

Let a copy of order NO.30 dt. 28.06.2022 be handed over to ASI, Ejajul Haque of Jaigaon PS, for information and compliance.

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

Order No.28,  
dt. 07.07.2022.

*Today is fixed for evidence of CSW Nos. 4 & 5.*

*Accused, Amit Pradhan on CB is present by filing hazira.*

*Ld P P in-charge Mr Prithiraj Gupta is present by filing hazira.*

*SR is returned and find that one witness, ASI, Tarun Kumar Lahiri died on 09.09.2016. Accordingly, the name of this witness be expunged from the list of charge-sheet.*

*DA to note accordingly.*

*One witness, SI, Prafulla Roy Dakua is present, who is examined in chief, cross in full and discharged as PW2.*

*No other PW is present.*

*The case is adjourned today.*

*Todate.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 28.06.2022*

*Let a copy of order NO.30 dt. 28.06.2022 be handed over to ASI, Ejajul Haque of Jaigaon PS, for information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C.276/2017**

Order No.27.  
dt. 06.07.2022.

*Today is fixed for evidence of CSW NO. 2 3.*

*Accused , Amit Pradhan on CB is present by filing hazira.i*

*Ld P P in-charge Mr Prithiraj Gupta is absent without step.*

*SR is returned and find that the witness, Barun Kundu @ Banu died on 10.04.2005 and witness, Tarun Bose died on 10.07.2007. Accordingly, the names of those witnesses be expunged from the list of charge-sheet.*

*DA to note accordingly.*

*In this circmstances, the case is adjourned today.*

*Todate.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 28.06.2022*

*Let a copy of order NO.30 dt. 28.06.2022 be handed over to ASI, Ejajul Haque of  
Jaigaon PS, for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**MAT SUIT No.69/2020**

Order No.11,  
dt. 04.07.2022.

*Today is fixed for passing order.  
Petitioner is present and files hazira.  
The record is taken up for passing order.*

*Perused the record with carefully and find that the petitioner, Smt Kabita Roy Sarkar stated her age as 42 years in her plaint with supported by an affidavit and in her deposition on oath, she stated her date of birth on 01.01.1988 and on her documentary evidence to show her date of birth as 1968 in Aadhar Card and age on 01.01.2005 aged 23 years in her voter identity card.*

*In the light of above findings, it is difficult for the court to ascertain whether her marriage is valid, void or voidable on considering her age as mentioned above.*

*The petitioner has given a liberty to produce a documentary evidence regarding her marriage and her date of birth by 04.08.2022.*

*Fix **04.08.2022** for further order.  
Inform.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
**FTC-II, Alipurduar.***

*Addl. District Judge,  
**FTC-II, Alipurduar,***

**MAT SUIT No.297/2018**

Order No.22,  
dt. 01.07.2022.

*Today is fixed for report from DA.*

*Petitioner files Lawyer's hazira.*

*Perused the report of DA, it appears that the draft copy of publication is correct.*

*Accordingly, the petitioner is hereby directed to publish the notice in newspaper of Aajkal, Bartaman or Anandabazar and or Uttarbanga.*

*Fix **07.11.2022** for filing publication newspaper by the petitioner.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
**FTC-II, Alipurduar.***

*Addl. District Judge,  
**FTC-II, Alipurduar,***

**Mat Suit 70/2022**

Order No. 22,  
dt. 17.06.2022

*Today is fixed for Issue.*

*Ld Advocate for the petitioner files hazira.*

*Seen the report of the mediator in connexion with this case and find that the parties of this suit were appeared before mediator, Smt Sudipta Ghosh on 02.05.2022 and they amicably settled the matter and wish to get divorce mutually.*

*According to the report of mediator, this suit being No. 70/2022 is hereby disposed of.*

*The marriage tie between the parties held on 21.09.2020 is hereby dissolved on mutual consent.*

*Hence,*

*it is ordered :*

*the instant Mat suit being No. 70/2022 be and same is disposed of in terms settlement before the mediator, Alipurduar held on 02.05.2022.*

*Accordingly, the decree be drawn.*

*The report of the mediator dt. 02.05.2022 is the part of the decree.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.73/2019**  
**GR Case No.2084/18**  
**Jaigaon PS Case No. 255/18 dt. 05.12.2018**

Order No.30,  
dt. 28.06.2022.

Today is fixed for production and evidence of witness, Bikash Baraik.  
Accused , Samir Baraik is produced from JC and he is taken into custody.  
Ld P P in-charge Mr Debarshi Chatterjee is present and files hazira.  
Witness, Bikash Baraik is produced through Korok Home, Jalpaiguri under PS  
Kotwali along with ASI Ejajul Haque of Jaigaon PS.  
Witness, Bikash Baraik is adduced his evidence as PW8.  
No other PW is present.  
Ld P P in-charge submits that a fresh schedule may be fixed for calling witnesses,  
viz., CSW No. 9, 10, 11 & 12.  
Issue the same.  
One bail application on behalf of accused Samir Baraik is filed and moved.  
Heard both sides.  
Perused the record and find that the sufficient materials agaisnt the accused is  
present. I think that if the accused is released on bail then there will every chance to  
abscond.  
Considering the above fact, the prayer for bail is considered and rejected.  
The accused, Samir Baraik is further sent to JC till date.  
The minor witness, Bikash Baraik, aged about 16 years be forwarded to alleged  
home for his safe and security in absence of his present guardian.  
ASI, Ejajul Haque of Jaigaon PS is hereby directed to keep the witness, Bikash  
Baraik in the alleged home with safely.

Fix **20.09.2022** for evidene of CSW Nos. 9 & 10

**21.09.2022** for evidence of CSW Nos. 11 & 13.

Issue summons at once.

Let a copy order be handed over to ASI, Ejajul Haque of Jaigaon PS, for  
information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 28.06.2022

Let a copy of order NO.30 dt. 28.06.2022 be handed over to ASI, Ejajul Haque of Jaigaon PS, for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.335/2017**  
**GR Case No.1095/15**  
**Jaigaon PS Case No. 121/15 dt. 07.04.2015**

Order No.26,  
dt. 28.06.2022.

Today is fixed for evidence of CSW Nos. 1 &2.

Accused , Rabi Lama on CB, is absent by filing petition.

Ld P P in-charge Mr Dulal Ghosh is present and files hazira.

SR is returned after service.

Received a message from IC, Alipurduar Ps, it appears that SI, Sandipan Mitra is busy in law and order duty and prayed for another date.

One witness, SI, Hari Nandan Das

Ld Advocate for the accused informed with a petition that one accused, Matindra Ghosh died on 16.05.2022 at NBMCH, Siliguri.

The IC, Falakata PS is hereby directed to collect the death certificate of accused, Matindra Ghosh, S/O, Late Jatindra Ghosh of Jogendra pur, PS- Falakata.

Fix **09.09.2022** for appearance and submission of death report.

Let a copy order be sent to IC, Falakata PS for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 27.06.2022*

*Let a copy of order NO.05 dt. 27.06.2022 be sent to IC, Falakata PS for information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**MAT SUIT No.213/2018**

Order No.29,  
dt. 28.06.2022.

*Today is fixed for further cross-examination of PW2.  
Petitioner , Sudip Banerjee is present by filing hazira.*

*The OP, Smt Priyanka Chakraborty is absent and one time petition on behalf of her is filed for defer cross-examination of PW2.*

*Copy served and objected to.*

*PW2, Bikash Banerjee is present.*

*Ld Advocate for the OP is present and submits her unwillingness to make cross-examination of PW2.*

*Accordingly, the cross-examination of PW2 is closed.*

*Fix 16.07.2022 for DW.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
**FTC-II, Alipurduar.***

*Addl. District Judge,  
**FTC-II, Alipurduar,***

Order No.16,  
dt. 28.06.2022.

*Today is fixed for Argument.*

*Neither the petitioners nor the OP take step.*

*On repeated calls either the parties or their conducting are found absent.*

*Perused the record and find that the argument date was fixed on 19.07.2019 and since then the petitioners file time petition on different plea and lastly the petitioners lost to take step since 18.09.2021.*

*in the above circumstances, I think that the petitioners are not willing to proceed with the case.*

*Hence,*

*it is ordered :*

*that the instant suit being MACC 23/2016 be and same is dismissed for default.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar,*

**MAT SUIT No.183/2021**

Order No.5,  
dt. 28.06.2022.

Today is fixed for report from DA.  
Petitioner files Lawyer's hazira.  
Perused the report of DA, it appears that the draft copy of publication is correct.  
Accordingly, the petitioner is hereby directed to publish the notice in newspaper of  
Bartaman or Anandabazar and or Uttarbanga.  
Fix **10.11.2022** for filing publication newspaper by the petitioner.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.06.2022

Let a copy of order No. 9 dt. 20.06.2022 order along with the LCR and extract copy of order No. 7 dt. 15.06.2022 be sent to the Ld court below [ACJM, Alipurduar ], for his information.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.78/2021**  
**GR Case No.922/21**  
**Falakata PS Case No. 232/21 dt. 25.05.2021**

Order No.05.  
dt. 27.06.2022.

Today is fixed for appearance and charge.

Accused , Amar Ghosh on CB, is present by filing hazira.

Ld P P Mr P N Majumder files hazira.

Ld Advocate for the accused informed with a petition that one accused, Matindra Ghosh died on 16.05.2022 at NBMCH, Siliguri.

The IC, Falakata PS is hereby directed to collect the death certificate of accused, Matindra Ghosh, S/O, Late Jatindra Ghosh of Jogendra pur, PS- Falakata.

Fix **09.09.2022** for appearance and submission of death report.

Let a copy order be sent to IC, Falakata PS for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 27.06.2022*

*Let a copy of order NO.05 dt. 27.06.2022 be sent to IC, Falakata PS for  
information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C.244/2017**  
**GR Case No.730/1994**  
**Madarihat PS Case No. 56/1994 dt. 06.11.1994**

Order No.30.  
dt. 27.06.2022.

Today is fixed for evidence of CSW Nos. 6 & 8.  
All [3] accused persons on CB, are present by filing hazira.  
Ld P P in-charge Mr Abdul Kader takes not step.  
Ld P P, Mr P N Majumder is present.

One, Nurul Islam Mia @ Biral Mia has been examined as PW3 and his cross-examination has been declined.

No more witness is present.

One SR returned with annexed 'panchayet certificate, it appears that witness, Ratneswar Barman is not residing at the alleged address. Let the name of witness Ratneswar Barman is expunged.

Fix **04.08.2022** for evidence of IO.  
Issue summons upon the IO at once.  
Prosecution to take step.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 27.06.2022

Let a copy of order NO. 30 dt. 27.06.2022 along with requisition of warrant be sent to OC, Madarihat PS for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.37/2011**  
**GR Case No.664/10**  
**Jaigaon PS Case No. 142/10 dt. 16.04.2010**

Order No.78,  
dt. 24.06.2022.

Today is fixed for evidence of Dr Uday Sankar.  
Both the accused persons on CB is present by filing hazira.  
Ld P P in-charge Mr Babul Saha as well Ld defence counsel is present.  
No PW is present.

Perused the record it appears that the requisitions of summons were sent number of times, but he has not been turned up before the court.

In this circumstances, having no alternative issue bailable warrant against the doctor, Uday Sankar for Rs. 500/- with condition to appear before the Ld court on the date fixed for evidence.

The OC MATIGARA PS is hereby directed to execute the warrant and to secure his attendance before the Ld court on **29.07.2022.**

Fix **29.07.2022** for ER of WA and evidence.

Let a copy order along with requisition of warrant be sent to OC, Magigara PS for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 24.06.2022

Let a copy of order NO. 78 dt. 24.06.2022 along with requisition of warrant be sent to OC, Magigara PS for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.109/2017**  
**GR Case No.1964/15**  
**Birpara PS Case No. 149/15 dt. 30.06.2015**

Order No.26,  
dt. 23.06.2022.

Today is fixed for report.

Accused, Chanchal Barman on CB is present by filing hazira.

Ld P P in-charge Mr Narayan Chandra Ghosh files hazira.

NO report is received from Birpara PS.

OC, Birpara PS is hereby directed to see this matter personally regarding the order No. 22 dt. 03.03.2021 which was sent to your end vide process No. 177 dt. 18.03.2022.

Fix **26.08.2022** for report from Birpara PS.

Let a copy of order NO. 26 dt. 23.06.2022 along with copy of order No. 22 dt. 03.03.2021 be forwarded to OC, Birpara PS for his information and compliance.

Accused as before.

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 23.06.2022*

*Let a copy of order NO. 26 dt. 23.06.2022 along with copy of order No. 22 dt.  
03.03.2021 be forwarded to OC, Birpara PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.15.  
dt. 22.06.2022.

*Today is fixed for appearance and submission of report of IO,SI, BM Lepcha.  
Out of [18] accused persons on CB [11] accused persons are present and rest [7]  
accused persons are absent by petition.*

*Ld P P Mr P N Majumder as well as Ld defence counsel is present.*

*Received report from SI, B M Lepcha along with inquest report, PM report and  
dead body challan in connexion with Alipurduar PS UD case No. 195/19 dt. 29.07.2019.*

*Let it be kept with the record.*

*Fix 17.08.2022 for appearance & charge.*

*All accused persons must be present.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.06.2022*

*Let a copy of order No. 69 dt. 20.06.2022 be handed over to EX-SI, Kamal  
Chandra Barman and another be sent to RI, Alipurduar for his information and  
compliance.*

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.97/2013**  
**GR Case No.2586/12**  
**Samuktala PS Case No. 130/12 dt. 17.11.2012**

Order No.69,  
dt. 21.06.2022.

Today is fixed for appearance of EX- SI, Kamal Chandra Barman along with RFSL report and evidence of 1<sup>st</sup> IO, SI, Sankar Majumder.

Both the accused persons on CB are present by filing hazira.

Ld P P in-charge, Mr Debangshu Ghosh as well as Ld defence counsel is present.

IO, Ex-SI, Kamal Chandra Barman is present and submits with a petition that he visited R/I, Alipurduar, who informed him that FSL report was forwarded from RFSL, Jalpaiguri on 12.02.2016 vide Memo No. 4/2016/RI, Alipurduar dt. 08.02.2016 and that report is lying in the office of RI, Alipurduar and he suggested to him to come on the next day for collection.

Considered.

RI, Alipurduar is hereby directed to trace out the FSL report and handed over its to EX-SI, Kamal Chandra Barman by **30.06.2022.**

Ld P P in-charge prays for issuing fresh summons to the 1<sup>st</sup> IO, SI, Sankar Majumder.

Considered.

Issue summons upon SI, Sankar Majumer, Special officer, WBSEDCL, Regional Office, Coochbehar.

Let a copy of order be handed over to EX-SI, Kamal Chandra Barman and another be sent to RI, Alipurduar for his information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 21.06.2022

Let a copy of order No. 69 dt. 20.06.2022 be handed over to EX-SI, Kamal Chandra Barman and another be sent to RI, Alipurduar for his information and

compliance.

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

**Criminal Appeal No. 11/2019**

Order No.8.  
dt. 20.06.2022.

*Today is fixed for submission of payment of receipt.  
Appellant files time petition on the grounds stated therein.  
Heard. Considered.  
Prayer is allowed.*

*Fix 20.06.2022 for submission of payment of receipt.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

**Criminal Appeal No. 11/2019**

Order No.9,  
dt. 20.06.2022.

*Today is fixed for submission of payment of receipt.*

*Appellant, Shirshendu Chakraborty is present.*

*One receipt on behalf of appellant, Shirshendu Chakraborty is filed before the Ld court and find that the cost amount of Rs. 9,000/- has been deposited to Sub-divisional Legal Services Committee, Alipurduar.*

*Let the money receipt be kept with the record.*

*Accordingly, the instant criminal case is disposed of.*

*Let a copy of order along with the LCR and extract copy of order No. 7 dt. 15.06.2022 be sent to the Ld court below for his information.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_ /F T C-II, dt. 20.06.2022*

*Let a copy of order No. 9 dt. 20.06.2022 order along with the LCR and extract copy of order No. 7 dt. 15.06.2022 be sent to the Ld court below [ACJM, Alipurduar ], for his information.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C.390/2017**  
**GR Case No.1808/17**  
**Jaigaon PS Case No. 199/17 dt. 25.09.2017**

Order No.34,  
dt. 20.06.2022.

Today is fixed for evidence of IO, SI, Kamalendra Narayan.

Out of [3] accused persons on CB, one, Bibek @ Bittu Kalikotey is present by filing hazira are rest [2] accused persons are absent by petition u/s. 317 of Cr P C.

Ld P PMr P N Majumder as well as Ld defence counsel is present.

No PW is present.

Ld Advocate for the defence pointed out that the witness, SI, Kamalendra Narayan is an UTP, who is in custody [in Jalpaiguri Correctional Home, PS-Kotwali, District- Jalpaiguri ] in connexion with Special case No. 2/2018 [POCA] arising out of Jaigaon PS case No. 187/2018 dt. 14.09.2018 u/s. 409/201/213/120B/34 of I P C r/w 7/8/12/13[1] PC Act.

In the above circumstances, having no alternative issue production warrant against the said witness, SI, Kamalendra Narayan.

The superindendent, Jalpaiguri Correctional Home, PS- Kotwali is hereby directed to produce the UTP, SI, Kamalendra Narayan before this Ld court on **26.07.2022** for his evidence.

Let a copy of order along with fresh requisition of summons sent to superindendent of Jalpaiguri Correctional Home, Kotwali PS, through RO, Alipurduar for his information and compliance.

All accused persons must be present.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_ /F T C-II, dt. 20.06.2022

Let a copy of order No. 34 dt. 20.06.2022 order along with fresh requisition of summons sent to superindendent of Jalpaiguri Correctional Home, Kotwali PS, through RO, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.168/2016**  
**GR Case No.1900/14**  
**Kumargram PS Case No. 226/14 dt. 28.07.2014**

Order No.41,  
dt. 18.06.2022.

*Today is fixed for evidence of IO, SI, Utpal Kumar Mondal.  
Both the accused persons on CB are present by filing hazira.  
Ld P P in-charge, Mr Jayanta Barman as well as Ld defence counsel is present.  
No PW is present.*

*Received a message from RO, Alipurduar it appears that the summons has been duly communicated to Ex-SI Utpal Kumar Mondal but on calls he is found absent. NO any prayer is being made on behalf of him.*

*Further perused the record and find that the summons was duly communicated to Ex-SI Utpal Kumar Mondal through RO, Alipurduar but he is not turned up before the Ld court.*

*In this circumstances, I think that he is avoiding to appear before the Ld court deliberately. Although, he is the IO of this case and his evidence is necessary for ascertaining the truth.*

*Having no alternative, issueailable warrant of Rs. 5,00/- against Ex-SI Utpal Kumar Mondal of village-Akhira para, PO- Chakvrigu, PS- Balurghat, District- Dakshin Dinajpore.*

*IC, Balurghat PS, is hereby directed to execute the warrant along with the requisition of warrant upon the Ex-SI Utpal Kumar Mondal and to secure the attendance before the Ld court on **30.07.2022**.*

*Let a copy of order be sent to IC, Balurghat PS for his information and complilance.*

*Accused as before.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,**  
**FTC-II, Alipurduar.**

**Addl. Sessions Judge,**  
**FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 18.06.2022*

*Let a copy of order No. 41 dt. 18.06.2022 order be sent to IC, Balurghat PS for his information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**Mat Suit 294/2019**

*Order No. 7,  
dt. 16.06.2022*

*Today is fixed for order.*

*Petitioner NO. 1, Shri Mintu Roy & Petitioner NO. 2, Smt Rinku Roy file their respective Ld Lawyer's hazira.*

*Seen the report of the mediator which was held on 05.05.2022 and find that the both parties were appeared before the mediator, Alipurduar and they have mutually agreed to get divorce.*

*Considered.*

*Hence,*

*it is ordered :*

*the instant Mat suit being No. 294/2019 be and same is disposed of in terms settlement before the mediator, Alipurduar held on 05.05.2022. Accordingly, the marriage tie between the parties held on 22.07.2017 is hereby dissolved on mutual consent.*

*Accordingly, the decree be drawn.*

*Let the report of mediator, Alipurduar on is a part of the decree.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**Mat Suit 107/2019**

Order No. 22.  
dt. 17.06.2022

*Today is fixed for order.*

*Petitioner, Pratik Das & Respondent, Smt Priyanka Dey Das file their respective hazira.*

*Ld Advocate for the respondent also files hazira.*

*Seen the report of the mediator in connexion with this case and find that the parties of this suit were appeared before mediator, Smt Sudipta Ghosh on 02.05.2022 and they amicably settled the matter and wish to get divorce mutually.*

*According to the report of mediator, this suit being No. 107/2019 is hereby*

*disposed of.*

*The marriage tie between the parties held on 22.01.2018 is hereby dissolved on mutual consent.*

*Hence,*

*it is ordered :*

*the instant Mat suit being No. 107/2019 be and same is disposed of in terms settlement before the mediator, Alipurduar held on 02.05.2022.*

*Accordingly, the decree be drawn.*

*The report of the mediator dt. 02.05.2022 is the part of the decree.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.71/2015**

Order No.58.  
dt. 16.06.2022.

*Today is fixed for evidence.*

*Sole accused, Partha Mondal on CB is present by filing hazira.*

*NO PW is present.*

*At this stage Ld Advocate for the prosecution by filing a petition praying for marking the document-**TI Parade report** prepared by Shri Aneek Banerjee, Ld J M 1<sup>st</sup> Court, Alipurduar on the ground stated therein. Copy served.*

*Considered.*

*Perused the petition and also TI Parade report prepared by Shri Aneek Banerjee, Ld J M 1<sup>st</sup> Court, Alipurduar, I think that it can be marked as exhibit u/s. 294 of Cr P C.*

*Let the TI Parade report be marked as **Exbt-4** formal proof dispense with by Ld JM 1<sup>st</sup> Court, Alipurduar.*

*Fix \_\_\_\_\_ for evidence of CSW No. 4, Sujit Barman and SI, Abdul Kalam Sarkar 1<sup>st</sup> IO [u/s.311 Cr P C].*

*Fix \_\_\_\_\_ for evidence of SI, Tapas Chandra Nandi, 2<sup>nd</sup> IO [u/s.311 Cr P C], Issue summons accordingly.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**Mat Suit 294/2019**

Order No. 7,  
dt. 16.06.2022

*Today is fixed for order.*

*Petitioner NO. 1 & Petitioner NO. 2 file their respective Ld Lawyer's hazira.*

*Seen the mediation report which was held on 05.05.2022 and find that the case has been settled between the parties, the marriage tie is dissolved accordingly.*

*Considered.*

*Hence,*

*it is ordered :*

*the instant Mat suit being No. 294/2019 be and same is disposed of in terms settlement before the mediation, Alipurduar held on 05.05.2022.*

*Accordingly, the decree be drawn.*

*Let the report of mediation is a part of the decree.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C.69/2016**

**GR Case No.2552/15**

**Falakata PS Case No. 753/15 dt. 06.09.2015**

Order No.24,  
dt. 16.06.2022.

*Today is fixed for production and medical report.*

*Accused, Ananda Roy is not produced from CH.*

*Ld P P in-charge, Mr Basudeb Das files hazira.*

*Received a message from Superintendent, Berhampore Central Correctional home, it appears that UTP, accused, Ananda Roy is not mentally fit and he is under treatment at Berhampore Mental Hospital.*

*The superintendent has prayed for a next date for production of said UTP.*

*Considered.*

*Fix **08.09.2022** for production and medical report of UTP, Ananda Roy.*

*Let a copy of this order be sent to Superintendent, Berhampore Central Correctional Home, for information and compliance.*

Accused as before.

Dictated & corrected  
by me ;  
Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 16.06.2022

Let a copy of order No. 24 dt. 16.06.2022 order be sent to Superintendent, Berhampore Central Correctional Home, for information and compliance.nd compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.320/2013**  
**GR Case No.173/13**  
**Jaigaon PS Case No. 22/13 dt. 25 .01.2013**

Order No.66,  
dt. 16.06.2022.

Today is fixed for evidence of IO.

Sole accused person, Dil Maya Biswakarma on CB are present by filing hazira.

Ld P P in-charge, Mr Rajib Sutradhar files hazira.

NO PW is present.

Received a message, it appears that the summons is duly communicated to witness, EX-SI, Arup Kumar Sen but on calls he is found absent.

No prayer is being made on behalf of him for his absence.

Perused the record and find that he is the IO of the case and his evidence is necessary. To secure his attendance, issueailable warrant against the witness, Ex-SI, Arup Kumar Sen of village-Narayanpur, Ward NO. 14, near ABTA Office, PS-Balurghat, District- Dakshin Dinajpore for Rs. 500/- with condition to appear before the

Ld court on **12.08.2022** for his evidence.

The S P, Dakshin Dinajpore, is directed with a request to execute the warrant through any competent authority and submit the compliance report by the date fixed.

Let a copy of this order along with requisition of warrant be sent to S P, Dakshin Dinajpore for information and compliance.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. **16.08.2022**

Let a copy of order No. 66 dt. 16.06.2022 order along with requisition of warrant be sent to to S P, Dakshin Dinajpore for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.135/2019**  
**GR Case No. 386/90**  
**Kumargram PS Case No. 15/90 dt. 30.05.1990**

Order No.14,  
dt. 15.06.2022.

Today is fixed for evidence of CSW No 1.

Both the accused persons on CB are present by filing hazira.

Ld P P in-charge as well as Ld defence counsel are present.

NO PW is present.

Seen the SR, it appears that the summons is duly communicated to witness, EX-SI, Manoj Kumar Dey but on calls he is found absent.

No prayer is being made on behalf of him for his absence.

Perused the record and find that he is the FIR maker and his evidence is necessary. To secure his attendance, issue bailable warrant against the witness, Ex-SI, Manoj Kumar Dey, of village-Uttar Bharatnagar, Piano Housing Complex, B-8, PS-Siliguri, under SMP-Siliguri for Rs. 500/- with condition to appear before the Ld court on **30.08.2022** for his evidence.

The Siliguri Police Commissionrate is directed with a request to execute the warrant through any competent authority and submit the compliance report by the date fixed.

Let a copy of this order along with requisition of warrant be sent to Siliguri Police Commissionrate, Siliguri for information and compliance.

Accused as before.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 07.06.2022

Let a copy of order No. 14 dt. 15.06.2022 order along with requisition of warrant be sent to Siliguri Police Commissionrate, Siliguri for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.186/2014**

Order No.74.  
dt. 14.06.2022.

*Today is fixed for argument on the side of the prosecution.*

*Both the accused persons on CB are present by filing hazira.*

*Ld P P as well as Ld defence counsel are present.*

*Ld Prosecution files a petition u/s. 311 of Cr P C with praying to adduce the evidence of Dr Rajib Prasad, who conducted P M over the dead body of Ajit Panwar.*

*During hearing, Ld defence counsel submits that on the last date prosecution, himself submitted before the Ld court that the PM report is not available in the CD and the date may be fixed for argument and today the PM report is produced by prosecution and it may be marked as exhibited with objection.*

*Ld prosecution frankly submitted before the Ld court that the PM report has been collected with heart and soul for the sake of this case and produced before the Ld court for adjudication of this case and therefore, it may be marked.*

*Considered submissions of both sides.*

*Let the PM report is marked Exbt-14 [objected to] with dispense of proof by Dr.*

*Rajib Prasad.*

*DA to note.*

*Heard argument on the side of the prosecution.*

*Fix **18.06.2022** for argument on the said of the defence.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C.20/2016**

Order No.43,  
dt. 10.06.2022.

*Today is fixed for evidence of CSW No. 1.*

*Out of [2] accused persons on CB, accused, Amit Gope is present and another accused, Ajay Gope is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge, Shri P N Majumder as well as Ld defence counsel are present.  
NO PW is present.*

*Seen the SR, it appears that the summons is duly served upon the witness, Adhir Chandra Ghosh but on calls, he is found absent. None appears or no any prayer is being made on behalf of said witness.*

*Further perused the record and find that the said witness is FIR maker and his evidene is necessary.*

*In this circumstances, having no alternative issueailable warrant against the witness, Adhir Chandra Ghosh for Rs. 500/- on condition to secure his attendance*

before this Ld court on 01.09.2022.

To **01.09.2022** for ER of WWA and evidence.

Both the accused persons must be present.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**S/C.111/2013**

GR Case No. 612/2006

Alipurduar PS case No. 141/06 dt. 07.08.2006

Order No.61,  
dt. 07.06.2022.

Today is fixed for evidence of IO.

Sole accused, Jagannath Roy on CB is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Smt Srimoyee Ghosh Majumder as well as Ld defence counsel are present.

IO, Ex-inspector, Gautam Das is present and he is examined in chief cross in full and discharged as PW8. He has formally proved, endorsement on the formal FIR -4/1, rough sketch map along with index-7 & 7/1, two seizure-lists dt. 07.08.2006-Exbt 1/3 & 2/3 respectively.

No other PW is present.

Received a message from IC, Junction Traffic Guard, Siliguri Police Commissionrate and find that SI, Binay Sinchury is engaged in Law and order duty and prays for another date.

One, SR is received, which is duly served upon SI, B K Rai, but on call he is found absent.

SI, BK Rai is the second IO of this case and his evidence is necessary.

To secure his attendance issue BWWA against SI, B K Rai for Rs. 500/- on condition to appear before the Ld court on the date fixed.

IC, Kalimpong PS, District-Kalimpong is directed to execute the warrant and submit the compliance report.

IC, Junction Traffic Guard, Siliguri Police Commissionrate is directed to inform SI, Binay Sinchury to appear before the Ld court on the date fixed, otherwise non-bailable warrant will be issued against him.

To **01.08.2022** for ER of WWA and evidence.

Let a copy of this order be sent to IC, Kalimpong PS, District-Kalimpong & IC, Junction Traffic Guard, Siliguri Police Commissionrate for their information and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,

Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 07.06.2022

Let a copy of order No. 61 dt. 07.06.2022 be sent to IC, Kalimpong PS, District-Kalimpong & IC, Junction Traffic Guard, Siliguri Police Commissionrate for their information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No. 207/2018**

Order No.23,  
dt. 09.06.2022.

*Today is fixed for filing show-cause by petitioner.*

*Respondent files Lawyer's hazira.*

*The petitioner files a time petition on the ground stated therein is not sufficient.*

*Hence, the time petition is rejected.*

*Show-cause has not been filed by the petitioner.*

*No prayer has been made on behalf of the petitioner.*

*In this circumstances, I think that the petitioner is not willing to proceed with the case.*

*Hence,*

*it is ordered :*

*that the instant Mat Suit No. 207/2018 be and same is dismissed for default without cost.*

*Dictated & corrected  
by me ;*

Addl. District Judge,  
**FTC-II, Alipurduar.**

Addl. District Judge,  
**FTC-II, Alipurduar,**

**S/C.157/2018**

GR Case No. 1693/2017

Samuktala PS case No. 234/17 dt. 06.09.2017

Order No.41,  
dt. 08.06.2022.

*Today is fixed for evidence of CSW Nos. 6 & 12.*

*All [5] accused persons on CB are absent without step.*

*Ld P P Smt Srimoyee Majumder is found absent without step.*

*SR is returned after service upon the witnesses, Saibul Mia and Kanadana Marandi.*

*One letter is received from Principal of North Bengal Medical College & Hospital, Susratnagar, District- Darjeeling, it appears that Dr Priyanka Roy is now posted at Raigunj Govt. Medical College, Raigunj, Uttar Dinajpore, Pin 733 134.*

*On calls all [5] accused persons are found absent and none appears on behalf of them.*

*Issue WA against all [5] absentee accused persons, namely, Samsuel Kisku, Bartul Kisku, Singo Kisku, Solma Hembram & Randhan Hasda.*

*Ld Public Prosecutor, Alipurduar is hereby requested to look into the matter that the panel PP, Smt Srimoyee Ghosh Majumder is careless for taking step on so many cases and for that effect, prosecution case is hampered. So, I request to appoint another Panel P P in this case as well as the other cases.*

*To **18.07.2022** for ER of WA and compliance report from Ld Public Prosecutor, Alipurduar.*

*Let a copy of this order be communicated to Ld Public Prosecutor, Alipurduar for his information and action.*

*Let the schedule **09.06.2022 & 10.06.2022** be shifted.*

*Dictated & corrected  
by me ;*

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 08.06.2022*

*Let a copy of order No. 41 dt. 08.06.2022 be communicated to Ld Public  
Prosecutor, Alipurduar for his information and action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.111/2013**

GR Case No. 612/2006

Alipurduar PS case No. 141/06 dt. 07.08.2006

Order No.61,  
dt. 07.06.2022.

*Today is fixed for evidence of IO.*

*Sole accused, Jagannath Roy on CB is absent by petition and he is represented  
through his Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge, Smt Srimoyee Ghosh Majumder as well as Ld defence counsel  
are present.*

*IO, Ex-inspector, Gautam Das is present and he is examined in chief cross in full  
and discharged as PW8. He has formal proved, endorsement on the formal FIR -4/1,*

rough sketch map along with index-7 & 7/1, two seizure-lists dt. 07.08.2006-Exbt 1/3 & 2/3 respectively.

No other PW is present.

Received a message from IC, Junction Traffic Guard, Siliguri Police Commissionrate and find that SI, Binay Sinchury is engaged in Law and order duty and prays for another date.

One, SR is received, which is duly served upon SI, B K Rai, but on call he is found absent.

SI, BK Rai is the second IO of this case and his evidence is necessary.

To secure his attendance issue BWWA against SI, B K Rai for Rs. 500/- on condition to appear before the Ld court on the date fixed.

IC, Kalimpong PS, District-Kalimpong is directed to execute the warrant and submit the compliance report.

IC, Junction Traffic Guard, Siliguri Police Commissionrate is directed to inform SI, Binay Sinchury to appear before the Ld court on the date fixed, otherwise non-bailable warrant will be issued against him.

To **01.08.2022** for ER of WWA and evidence.

Let a copy of this order be sent to IC, Kalimpong PS, District-Kalimpong & IC, Junction Traffic Guard, Siliguri Police Commissionrate for their information and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 07.06.2022

Let a copy of order No. 61 dt. 07.06.2022 be sent to IC, Kalimpong PS, District-Kalimpong & IC, Junction Traffic Guard, Siliguri Police Commissionrate for their information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.238/2017**

**GR Case No. 1982/12**

**Madarihat PS case No. 124/12 dt. 03.09.2012**

**Order No.32,**  
**dt. 07.06.2022.**

Today is fixed for evidence of IO, Inspector, Arun Kumar Tamang.

Out of [6] accused persons on CB, [5] accused persons are present by filing hazira and one accused, Abu Bakkar Siddiqui @ Firoj Hossain is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Suresh Chandra Das as well as Ld defence counsel are present.

NO PW is present.

Perused the record and find that [7] times copy of order along with summons sent to the SP, Uttar Dinajpore through RO, Alipurduar for securing attendance of IO, Inspector, Arun Kumar Tamang, now posted as IC, Itahara, Uttar Dinajpore, estwhile he was posted at Madarihat PS on 31.05.2014 vide Memo No. 19 dt. 13.01.2021, vide Memo No. 490 dt. 07.12.2021, vide Memo No. 49 dt. 14.02.2022 and vide Memo No. 241 dt. 31.03.2022 but neither received serivce report from SP, Uttar Dinajpore nor the IO, Inspector, Arun Kumar Tamang turned up before the Ld court.

In this circumstances, having no alternative to secure his attendance before the Ld court, issue warrant against Inspector, Arun Kumar Tamang.

The SP, Uttar Dinajpore is hereby strictly directed to execute warrant and produce the said witness, Inspector, Arun Kumar Tamang before the Ld court on **06.07.2022**.

To **06.07.2022** for evidence of IO, Inspector, Arun Kumar Tamang.

Let a copy of this order along with the requisition of warrant be sent to the GRO, Alipurduar with direction to engage a special messenger for servicing the said copy of order with requisition upon the Office of SP, Uttar Dinajpore for his information and compliance.

Accused as before.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 07.06.2022

Let a copy of order No. 32 dt. 07.06.2022 along with the requisition of warrant be sent to the GRO, Alipurduar with direction to engage a special messenger for servicing the said copy of order with requisition upon the Office of SP, Uttar Dinajpore for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.72/2020**

**GR Case No. 360/20**

**Falakata PS case No. 65/20 dt. 15.02.2020**

**Order No.5.**  
**dt. 06.06.2022.**

Today is fixed for evidence of SI, Arup Baidya.

All [12] accused persons on CB, are present by filing hazira.

Ld P P files hazira.

NO PW is present.

Received a message from Kumargram PS, it appears that SI, Arup Baidya of

*Kumargram PS is badly engaged in law and order duty in connexion with visit Hon'ble CM of West Bengal and prays for another date.*

*Considered.*

*Case is adjourned today.*

*Fix 28.07.07.2022 for evidence of SI, Arup Baidya.*

*SI, Arup Baidya is hereby directed to appear before the Ld court on the date fixed positively failing which warrant will be issued against him without any reference.*

*He is also directed to arrange the seized articles in connexion with this case on the date fixed.*

*Let a copy of order be sent to IC, Kumargram PS for servicing this copy of order and strict compliance.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_/F T C-II, dt. 06.06.2022*

*Let a copy of order No. 5 dt. 06.06.2022 be sent to IC, Kumargram PS for servicing this copy of order and strict compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.30/2022**  
**GR Case No. 1336/21**  
**Birpara PS case No. 110/21 dt. 22/07/21**

**Order No.3.**  
**dt. 04.06.2022.**

*Today is fixed for appearance & framing of charge.*

*Out of [6] accused persons on CB, [5] accused persons are present by filing hazira and one accused, Sangam Thapa is not present.*

*Ld Advocate for the accused, submits with a petition that absentee Sangam Thapa is no more, who died on 18.05.2022.*

*Considered.*

*Call for death report of accused, Sangam Thapa, S/O Late Hemant @ Krishna Thapa of Lankapara T G, TB line, PS- Birpara.*

*Let a copy of order be sent to OC, Birpara PS for his information and compliance on **25.07.2022***

*Fix **25.07.2022** for appearance and submission of death report by OC, Birpara PS.*

*Dictated & corrected  
by me ;*

*Sd/-*

*sd/-*

***Addl. Sessions Judge,  
FTC-II, Alipurduar.***

***Addl. Sessions Judge,  
FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 04.06.2022*

*Let a copy of order No. 3 dt. 04.06.2022 be sent to OC, Birpara PS for his information and compliance on **25.07.2022** .*

***Addl. Sessions Judge,  
FTC-II, Alipurduar,***

**S/C.13/2016**

Order No.46.  
dt. 03.06.2022.

Today is fixed for evidence of CSW No. 18, Shri Aneek Banerjee, the then Ld J M 1<sup>st</sup> Court Alipurduar.

Out of [3] accused persons on CB, [2] accused persons are present by filing hazira and one accused, Bablu Hossain is absent by petition and represented u/s. 317 of Cr P C through his Ld Advocate.

Ld P P in charge Mrs Srimoyee Ghosh Majumder files hazira.

No PW is present.

Ld prosecution files a petition u/s. 294 of Cr P C with praying to mark the judicial statement of witness, Sanjar Ali recorded by Ld Judicial Magistrate, Shri Aneek Banerjee, 1<sup>st</sup> court, Alipurduar with dispense to formal proof.

Copy served.

During hearing Ld Advocate for the defence counsel raises no objection on prayer of the prosecution and submits that the document of Judicial statement is genuine and it may be marked with dispense of formal proof.

Considered.

The prayer of the prosecution is allowed.

Let the judicial statement of witness, Sanjar Ali recorded by Ld Magistrate, Shri Aneek Banerjee is marked **Exbt 3/1** [whole].

DA to note in the list the exhibit.

Fix **22.06.2022** for evidence of IO.

Issue summons accordingly,

Prosecution to take note.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 02.06.2022

Let a copy of order No. 82 dt. 02.06.2022 be to SP, Alipurduar along with the fresh requisition of summons information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 104/15**  
**GR Case No. 588/15**  
**Jaigaon PS case No.59/2015 dt. 16/02/2015**

**Order No.45,**  
**dt. 03.06.2022.**

Today is fixed for ER of WA and personal appearance of OC, Jaigaon PS. OC, Jaigaon PS, SI, Prabir Dutta is present and submits a bail application through Ld PP, Alipurduar and prays for bail.

During hearing Ld P P submits that OC, SI, Prabir Dutta is present and he could not understand the court's order as because he is newly posted at Jaigaon PS and prays for mercy.

Considered.

OC, SI, Prabir Dutta of Jaigaon PS is hereby released on furnishing PR Bond of Rs. 500/- with condition to comply the court's order in future.

OC, SI, Prabir Dutta of Jaigaon PS submits with a petition that he shall comply the court's order in future and will not take any behave with the court for interruption of running of justice.

Perused the report dt. 31.05.2022 submitted by SI, Prabir Dutta, OC Jaigaon PS, it appears that the warrantee accused, Milan Dorjee is expired on 01.07.2019. A panchayet certificate and one PM report are annexed herewith.

*Considered.*

*Let the name of accused, Milan Dorjee be expunged from the name of the charge-sheet.*

*To **12.07.2022** for further report against warrant accused, Saroj Dorjee by OC, Jaigaon PS.*

*Let a copy of order be handed over to OC, Jaigaon PS, namely, SI, Prabir Dutta for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Addl. Sessions Judge,  
**sFTC-II, Alipurduar.***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 03.06.2022*

*Let a copy of order No. 45 dt. 03.06.2022 be handed over to OC, Jaigaon PS, namely, SI, Prabir Dutta for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C.260/18**  
**GRCASE No. 2312/17**  
**Samuktala PS case No. 322/17 dt. 10.12.2017**

Order No.28,  
dt. 02.06.2022.

Today is fixed for report from Superintendent of Alipurduar District Correctional Home.

UTP, Thakur Prasad Bhattarai is not produced.

Received a report from Superintendent of Alipurduar District Correctional Home as well as Superintendent of Berhampore District Correctional Home, it appears that Thakur Prasad Bhattarai is not mentally fit to attend the Ld court being a psychiatric patient under medication till date.

Considered.

Fix **12.08.2022** for further report from Superintendent Alipurduar District Correctional Home.

Let a copy of order be sent to Superintendent Alipurduar District Correctional Home, Alipurduar.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 02.06.2022

Let a copy of order No. 28 dt. 02.06.2022 be to Superintendent Alipurduar District Correctional Home, Alipurduar for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.139/13**  
**GR Case No. 2299/12**  
**Samuktala PS Case No.289/112dt. 09.10.12**

Order No.82,  
dt. 02.06.2022.

Today is fixed for evidence of victim girl, Ranju Oraon.  
Accused, Kushu Biswas on CB is present by filing hazira.  
Ld P P in charge Mr Arun Ganguly files hazira.  
No PW is present.

Seen the SR, it appears that summons duly served upon the witness, namely, Ranju Oraon. On calls Ranju Oraon is found absent.

Perused the record and find that witness, Ranju Oraon is a victim girl and she is mentally retarded girl and for her examination, the interpreter is required.

On the last date, i.e., 22.11.2021 Ld court was pleased to direct SI, Praveen Pradhan to produce the victim girl, Ranju Oraon accompanied with interpreter from Mentally retarded school, Birpara, Alipurduar. The such order was communicated to SI, Praveen Pradhan through IC, Alipurduar PS but till today neither the victim girl nor the interpreter is present before the Ld court.

The SP, Alipurduar is directed with request to look into the matter personally and to arrange attendance of the victim girl along with the interpreter before the Ld court on the date fixed for ascertaining the truth of the case with keeping mind that alleged offence is heinous for society and a deaf & dumb girl victimized with sexual assault.

Let a copy of order be sent to SP, Alipurduar along with the fresh requisition of summons.

Fix **01.08.2022** for evidence of victim girl along with the interpreter.

Let a copy of order be sent to SP, Alipurduar along with the fresh requisition of summons.

Dictated & corrected  
by me ;  
Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Let a copy of order No. 82 dt. 02.06.2022 be to SP, Alipurduar along with the fresh requisition of summons information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Later :**  
**dt. 01.06.2022**

After passing above order one witness, Pritiman Rai is present. Ld P P as well as Ld defence are present in court.

Ld prosecution prays to recall WWA against the witness, Pritiman Rai and permitted him to adduce his evidence in this case.

Considered. Recall WWA.

Witness, Pritiman Rai has adduced his evidence as PW2 and cross-examined in full and discharged.

Todate, i.e. on **28.07.2022** for WWA and evidence.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Misc. Case No. 9/2021**

Order No. 12,  
dt. 31.05.2022

.....  
.....  
.....

A joint petition is filed and they disclosed the venue, date & time for visiting the minor child by the petitioner with his family members.

Considered.

The respondent is hereby directed to place her minor child at **PIZZA CENTRE**, Hamiltongunj on 2<sup>nd</sup> & 4<sup>th</sup> Sunday of every months, the period from 5:30 p m to 7:30 p m.

Let the extract copy of order be supplied to both the parties for their information

and compliance.

Accordingly, the instant Misc. case being No.09/2021 is hereby disposed of.

Dictated & corrected  
by me ;

Sd/

Sd/-

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 31.05.2022

Let a extract copy of order No. 12 dt. 31.05.2022 be supplied to both the parties  
for their information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 174/11**

Order No.112,  
dt. 01.06.2022.

Today is fixed for arugment as a last chance.

All [3] accused persons on CB are present by filing hazira.

Ld P P in-charge Smt Srimoyee Ghosh Majumder is present by filing hazira.

*The case record is taken up for argument*

*Ld P P in-charge submits with a petition that argument will be done by Advocate, Prasanta Narayan Majumder, who is not ready today and prays for necessary order.*

*The such ground is insufficient and not appreciable. Accordingly, the timepetition is rejected.*

*Ld prosecution, Smt Srimoyee Ghosh Majumder is directed with request to submit argument on behalf of her case otherwise the opportunity of the argument will be closed.*

*Ld Prosecution submits that she is unable to submit any thing.*

*Accordingly, the argument is closed on the side of the prosecution.*

*Hence, heard argument on the side of the defence in part.*

*Case is adjourned for the day.*

*Fix **04.06.2022** for appearance and argument on the side of the defence.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C. 190/18**  
**GR Case No. 262/18**  
**Alipurduar PS Case No. 74/18 dt. 14.02.2018**

**Order No.36.**  
**dt. 01.06.2022.**

*Today is fixed for further evidence.*

*Accused, Suraj Chhetri is produced from Jc and he is taken into custody.*

*Ld P P as well as Ld defence file respective haziras.*

*No PW is present.*

*Seen the SR, it appears that summons duly served upon the witnesses, namely, Gautam Sarma, Mina Soren Kujur & Pritiman Roy on respective dates, but they are found absent on calls. Their evidence is necessary for just adjudication of this case.*

*In the above circumstances, having no alternative issue bailable warrant against the above said three witnesses for Rs. 500/- each, with condition to appear before the Ld court on **28.07.2022** for their evidence.*

*The IC, Alipurduar PS is directed to secure their attendance before their Ld court on the date fixed.*

*Accused, Suraj Chhetri be further sent to JC till date.*

*Let a copy of order along with requisition of warrant be sent to IC, Alipurduar PS for his information and compliance.*

*Dictated & corrected*

by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

**Later :**  
**dt. 01.06.2022**

After passing above order one witness, Pritiman Rai is present. Ld P P as well as Ld defence are present in court.

Ld prosecution prays to recall WWA against the witness, Pritiman Rai and permitted him to adduce his evidence in this case.

Considered. Recall WWA.

Witness, Pritiman Rai has adduced his evidence as PW2 and cross-examined in full and discharged.

Todate, i.e. on **28.07.2022** for WWA and evidence.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 01.06.2022

Let a copy of order No.36 dt. 31.05.2022 along with requisition of warrant be sent to IC, Alipurduar PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 190/18**  
**GR Case No. 262/18**  
**Alipurduar PS Case No. 74/18 dt. 14.02.2018**

**Order No.36,**  
**dt. 01.06.2022.**

Today is fixed for further evidence.

Accused, Suraj Chhetri is produced from Jc and he is taken into custody.

Ld P P as well as Ld defence file respective haziras.

No PW is present.

Seen the SR, it appears that summons duly served upon the witnesses, namely, Gautam Sarma, Mina Soren Kujur & Pritiman Roy on respective dates, but they are found absent on calls. Their evidence is necessary for just adjudication of this case.

*In the above circumstances, having no alternative issue bailable warrant against the above said three witnesses for Rs. 500/- each, with condition to appear before the Ld court on **28.07.2022** for their evidence.*

*The IC, Alipurduar PS is directed to secure their attendance before their Ld court on the date fixed.*

*Accused, Suraj Chhetri be further sent to JC till date.*

*Let a copy of order along with requisition of warrant be sent to IC, Alipurduar PS for his information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 01.06.2022*

*Let a copy of order No.36 dt. 31.05.2022 along with requisition of warrant be sent to IC, Alipurduar PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.44,  
dt. 31.05.2022.

*Today is fixed for personal appearance of OC, Jaigaon PS.*

*On calls, OC, Jaigaon PS is found absent.*

*No any prayer is being made on behalf of OC, Jaigaon PS for his absence.*

*Perused the record and find that the Ld court was pleased to direct OC, Jaigaon PS for appearance before the Ld court on 30.03.2022 and since then he is neither present before the Ld court nor any application submits for his absence.*

*In this circumstances, it is crystal clear that the OC, Jaigaon PS is whimsically avoided to appear before the Ld court.*

*Having no alternative, issue WA against the OC, Jaigaon PS.*

*The SDPO, Alipurduar is directed to execute the WA and produce the OC, Jaigaon PS before this Ld court on **03.06.2022**.*

*To **03.06.2022** for ER of WA and appearance of OC, Jaigaon PS.*

*Let a copy of order along with requisition of warrant be sent to SDPO, Alipurduar for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

Memo No.\_\_\_\_\_/F T C-II, dt. 31.05.2022

Let a copy of order No.44 dt. 31.05.2022 along with requisition of warrant be sent to SDPO, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 271/19**  
**GR Case No. 1406/19**  
**Falakata PS case No.391/19 dt. 28.07.2019**

Order No.14,  
dt. 31.05.2022.

Today is fixed for report by IO, SI Bendict M Lepcha.

Out of [18] accused persons on CB, [11] accused persons are present and rest [7] accused persons are absent by petition.

Ld P P, Mr P N Majumder as well as Ld defence counsel is present.

Received a message from Falakata PS, it appears that SI, B M Lepcha is engaged in law and order duty and prays for another date.

Considered.

SI, B M Lepcha of Falakata PS to keep in mind that Ld court was pleased to direct him to collect some material documents viz., inquest report, PM report and dead body challan of deceased in connexion with Alipurduar PS UD Case No. 195/2019 dt. 29.07.2019 vide order No. 8 dt. 10.03.2021 and since then a good number of times have been taken by him on different pleas. Today, a last opportunity has been given to him to collect those documents and produce the same before the Ld court positively on 22.06.2022.

To **22.06.2022** for appearance and submission of report by IO, SI, B M Lepcha, Falakata PS.

Let a copy of order be sent to IO, SI, B M Lepcha, Falakata PS for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 31.05.2022

Let a copy of order No.14 dt. 31.05.2022 be sent to IO, SI, B M Lepcha, Falakata PS for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 155/15**

Order No.56,  
dt. 31.05.2022.

Today is fixed for further DWs.

Both the accused persons on CB are absent by filing a petition.

Ld P P in-charge, Mr Basudeb Das as well as Ld Defence counsel is present.

No DW is present.

Ld Defence counsel orally submits that the accused persons are not willing to further evidence to establish their defence case and prays to close the evidence.

Considered.

Evidence on the side of the defence is closed.

Fix **15.06.2022** for argument.

Both parties must come ready.

Dictated & corrected  
by me ;

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 103/17**

Order No.43.  
dt. 31.05.2022.

*Today is fixed for evidence of FIR maker, Amal Krishna Das.  
All [5] accused persons on CB are present by filing hazira.  
Ld P P in-charge as well as Ld Defence counsel is present.  
No PW is present.*

*Seen the report of Kumargram PS, it appears that the FIR maker, Amal Krishna Das is expired on 02.07.2016 and a death certificate is annexed herewith.*

*Considered.*

*Let the name of witness, Amal Krishna Das be expunged from the list the charge-sheet.*

*The rest PWs are examined and examination of the accused persons u/s, 313 of Cr P C is completed and also argument is heard in full.*

*Fix **16.06.2022** for delivery of judgment.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 182/16**

GR Case No. 2907/14

Falakata PS case No.272/14 dt. 07.11.2014

Order No.43,  
dt. 30.05.2022.

*Today is fixed for appearance & ER of WA against accused, Santosh Chhetri, Odey @ Ranjit Chhetri and Chandey @ Dipak Chhetri.*

*Accused, Kanchha Chhetri, Min Bahadur Chhetri & Bikash Pradhan on CB are present by filing hazira.*

*Ld P P in-charge files hazira.*

*Ld Advocate for the accused, Kanchha Chhetri files a petition praying for extention of interim bail of accused, Kanchha Chhetri on the grounds stated therein.*

*Heard. Considered the interim bail of accused, Kanchha Chhetri be extended till date.*

*No ER of WA against the accused, Santosh Chhetri & Chandey @ Dipak Chhetri have been received.*

*Accordingly, the OC, Jaigaon PS is hereby directed to execute the warrant against the accused, Santosh Chhetri & Chandey @ Dipak Chhetri by the date fixed.*

*To **06.08.2022** for ER of WA against the accused, Santosh Chhetri & Chandey @ Dipak Chhetri.*

*Let a copy of order be sent to OC, Jaigaon PS for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 30.05.2022*

*Let a copy of order No.43 dt. 30.05.2022 be sent to OC, Jaigaon PS for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 18/2009**

Order No.11,  
dt. 21.05.2022.

*Today is fixed for evidence of CSW No. 1.*

*All [4] accused persons on CB are present by filing hazira.*

*One witness, Manilal Chhetri is present but he is not examined due to absence of Ld prosecution, Mr. Basudeb Das, who is out of station.*

*The case is adjourned today.*

*Fix **01.08.2022** for evidence of CSW No. 1*

*Issue summons at once.*

*Prosecution to take step.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C. 186/14**

Order No.73.  
dt. 21.05.2022.

*Today is fixed for hearing of petition filed by prosecution.*

*Both the accused persons on CB are present by filing hazira.*

*Ld prosecution as well as Ld defeance counsel are present.*

*Ld Prosecution frankly submits that he could not trace out the PM report and therefore, he is unable to submit any thing more in favour of his petition and prays for the date may be fixed for argument on the side of the prosecution.*

*Considered.*

*The petition dt. 29.04.2022 filed the prosecution is hereby disposed of without passing any order.*

*Fix **14.06.2022** for argument on the side of the prosecution.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C. 47/15**  
**GR Case No. 3411/14**  
**Jaigaon PS case No. 318/14**

Order No.43,  
dt. 20.05.2022.

Today is fixed for appearance and charge.

Out of [7] accused persons on CB, [6] accused persons are present by filing hazira and one accused, Dipak Shil is in custody in connexion with Siliguri Ps case No. 406/22 dt. 26.04.2022.

Ld P P in-charge, Mr Babul Saha is present.

Due to absence of accused person, the case is adjourned today.

Issue production warrant.

The superintendent of Siliguri Correctional Home, Darjeeling, is hereby directed to produce the accused, Dipak Shil before this court on 12.07.2022 on the strength of production warrant.

Fix **12.07.2022** for production, appearance and charge.

Let a copy of order be sent to superintendent of Siliguri Correctional Home, Darjeeling for information and compliance.

Dictated & corrected  
by me ;  
Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.05.2022

Let a copy of order No.43 dt. 20.05.2022 be sent to superintendent of Siliguri Correctional Home, Darjeeling for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 55/15  
GR Case No. 3415/14  
Kalchini PS case No. 193/14

Order No.42,  
dt. 20.05.2022.

*Today is fixed for appearance and charge.*

*Out of [8] accused persons on CB, [7] accused persons are present by filing hazira and one accused, Dipak Shil is in custody in connexion with Siliguri Ps case No. 406/22 dt. 26.04.2022.*

*Ld P P in-charge, Mr Dulal Ghosh is present.*

*Due to absence of accused person, the case is adjourned today.*

*Issue production warrant.*

*The superintendent of Siliguri Correctional Home, Darjeeling, is hereby directed to produce the accused, Dipak Shil before this court on 12.07.2022 on the strength of production warrant.*

*Fix 12.07.2022 for production, appearance and charge.*

*Let a copy of order be sent to superintendent of Siliguri Correctional Home, Darjeeling for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 20.05.2022*

*Let a copy of order No.42 dt. 20.05.2022 be sent to superintendent of Siliguri Correctional Home, Darjeeling for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 68/15**  
**GR Case No. 20/15**  
**Madarihat PS case No. 1/15 dt. 01.01.2015**

Order No.44,  
dt. 20.05.2022.

*Today is fixed for appearance and charge.*

*Out of [7] accused persons on CB, [6] accused persons are present by filing hazira and one accused, Dipak Shil is in custody in connexion with Siliguri Ps case No. 406/22 dt. 26.04.2022.*

*Ld P P in-charge, Mr Dulal Ghosh is present.*

*Due to absence of accused person, the case is adjourned today.*

*Issue production warrant.*

*The superintendent of Siliguri Correctional Home, Darjeeling, is hereby directed to produce the accused, Dipak Shil before this court on 12.07.2022 on the strength of production warrant.*

*Fix **12.07.2022** for production, appearance and charge.*

*Let a copy of order be sent to superintendent of Siliguri Correctional Home, Darjeeling for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 20.05.2022*

*Let a copy of order No.44 dt. 20.05.2022 be sent to superintendent of Siliguri Correctional Home, Darjeeling for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.33,  
dt. 18.05.2022.

*Today is fixed for evidence.*

*Accused, Ram Krishna Saha on CB are present by filing hazira.*

*Ld P P in-charge, Mr Debangshu Ghosh as well as Ld defence counsel is present and file hazira.*

*NO PW is present.*

*Ld prosecution submits with a petition that the prosecution produced as many as five witnesses in this case on the earlier occasion and their evidence in chief have adopted against the present accused and no further evidence is required. So, the evidence on the side of the prosecution may be closed.*

*Ld defence counsel submits with a petition that the cross-examination of those five witnesses have been taken and their cross-examination may be considered in favour of the present accused person.*

*Considered.*

*Hence,*

*it is ordered*

*that the evidence of the prosecution is closed.*

*The seized items produced by Jaigaon PS is returned.*

*Tomorrow, i.e., on **20.05.2022** for examination of the accused person u/s. 313 of Cr PC.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Mat Suit No. 165/2018**

Order No. 29,  
dt. 19.05.2022

*Today is fixed for further DW.*

*OP files Lawyer's hazira.*

*The petitioner takes not step.*

*Ld Advocate for the petitioner is present and submits orally that the petitioner is not willing to proceed with this case and the necessary order may be passed.*

*In the above circumstances,*

*Hence,*

*it is ordered :*

*that the instant mat suit being No. 165/2018 be and same is dismissed for default without liberty to file fresh suit against the OP, Smt Gouri Mallick Sarkar.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**Mat Suit No. 185/2019**

Order No. 8,  
dt. 18.05.2022

*Today is fixed for filing show-cause.*

*No show-cause has been filed by the petitioner or no step is taken by the petitioner.*

*On repeated calls none appears on behalf of the petitioner, Manoj Das.*

*It is now 3:15 p m.*

*Considering the conduct of the petitioner this court is of the view that the petitioner does not want to proceed the case any further.*

*Hence, the suit is hereby dismissed for default.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

Order No. 14,  
dt. 13.05.2022

*Today is fixed for Ex parte hearing.*

*The petitioner, Smt Shantana Barman is present along with one witness, Smt Maya Barman.*

*Affidavit in chief filed by Smt Shantana Barman and Smt Maya Barman.*

*During hearing Ld Advocate for the petitioner submits with a petition that the instant suit has been filed cruelty ground in place of desertion ground and has sought permission to withdraw the suit with liberty to file a fresh suit.*

*Considered.*

*The petitioner is permitted to withdraw the instant suit with liberty to file a fresh suit.*

*In the above circumstances, the instant mat suit is hereby disposed of.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

Order No. 24,  
dt. 18.05.2022

*Today is fixed for cross-examination of PW1.*

*The petitioner, Smt Suravi Paul is present and files hazira.*

*The OP files Lawyer's hazira.*

*Ld Advocate for the petitioner as well the Ld Advocate for the OP is present.*

*PW1, Smt Suravi Paul is present but she is not cross-examined by the OP.*

*Ld Advocate for the OP submits with a petition that the OP is not willing to cross examine the PW1 and he will not raise objection on the point of passing decree in favour of the petitioner.*

*Considered.*

*The suit will be proceeded Ex parte.*

*Fix 15.07.2022 for Ex parte hearing & order.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**S/C. 14/2021**

**Order No.5,**  
**dt. 18.05.2022.**

*Today is fixed for evidence of CSW No. 1.*

*All [3] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Dulal Ghosh files hazira.*

*NO PW is present.*

*SR is returned after service.*

*On repeated calls, witness, Rajani Toppo is found absent.*

*No any prayer is being made on behalf of the said witness.*

*Perused the record and find that the witness, Rajani Toppo is FIR maker and his evidence is necessary.*

*In the above circumstances, having no alternative, to secure his attendance issue bailable warrant of Rs. 500/- upon the said witness Rajani Toppo on condition to appear before the Ld court on the date fixed.*

*Fix **01.08.2022** for ER of WWA and evidence.*

*Accused as before.*

*Dictated & corrected  
by me ;*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Addl. Sessions Judge,  
FTC-II, Alipurduar,**

**Later :**  
**dt. 18.05.2022**

*Ld P P Mr Dulal Ghosh is appeared with witness, Rajani Toppo and submits that the witness was present in his Sheresta and therefore he could not attend before the Ld court on calls and further prays to recall WA against the witness.*

*Considered.*

*Recall WWA.*

*Todate, i.e., **01.08.2022** for evidence.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

-  
**S/C. 97/13**  
**GR Case No. 2586/12**  
**Samuktala PS case No. 130/12 dt. 17.11.2012**

**Order No.68.**  
**dt. 18.05.2022.**

*Today is fixed for evidence of doctor and IO, EX-SI, Kamal Chandra Barman.*

*Out of [2] accused persons on CB , one accused, Rajani Kanta Das is present and Hare Krishna Das is absent and represented by his Ld Advocate u/s. 317 of Cr P C.*

Ld P P in-charge, Mr Debangshu Ghosh and Ld defence counsel are present.

Two Witnesses, viz., Dr Subrata Halder and Ex-SI, Kamal Chandra Barman are present , they are examined in chief, cross in full and discharged as Pw9 & 10 respectively. The PW9 had identified his PM report as marked Exbt-8 and PW10 had identified the seizure list as marked Exbt-5/2 and one another seizure list admitted by defence as marked Exbt-A.

No other PW is present.

IO, Ex-SI, Kamal Chandra Barman admits that he could not collect the RFSL report from Jalpaiguri at the time of submitting charge-sheet. So, SI, Kamal Chandra Barman is directed to go and collect the RFSL report from Jalpaiguri and submit the same before the Ld court by 21.06.2022.

The OC, Samuktala PS is hereby directed to assist the said EX-SI, Kamal Chandra Barman for collection of RFSL report from Jalpaiguri, which document is very necessary for adjudication of this case with keeping mind it is a murder case and it is too old.

Fix **21.06.2022** for appearance of Ex-SI, Kamal Chandra Barman along with RFSL report and evidence of 1<sup>st</sup> IO, SI, Sankar Majumder.

Issue summons at once.

Let a copy of order be handed over to EX-SI, Kamal Chandra Barman & let another copy of sent to OC, Samuktala PS for their information and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 18.05.2022

Let a copy of order No.68 dt. 18.05.2022 be handed over to EX-SI, Kamal Chandra Barman & let another copy of order be sent to OC, Samuktala PS for their information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 73/19**  
**GR Case No. 2984/18**  
**Jaigaon PS case No. 255/18 dt. 05.12.2018**

Order No.29.  
dt. 18.05.2022.

Today is fixed for production and evidence of witness, Bikash BARAIK.

Accused, Samir Baraik is produced from JC and he is taken into custody.

Ld P P, Mr P N Majumder files hazira.

Witness, Bikash Baraik is not produced through, SI, D Pradhan of Jaigaon PS.

Perused the record and find that on the last date, i.e., 12.05.2022, Ld court was

*pleased to direct SI, D Pradhan of Jaigaon PS to produce the witness, Bikash Baraik today for his deposition. But neither the witness nor the said Police officer SI, D Pradhan is present.*

*The OC, Jaigaon PS is hereby directed to look into the matter personally and to produce the witness, Bikash Baraik along with interpreter, Dhurdeo Oraon appointed by BDO, Kalchini for their deposition on 28.06.2022 positively through any competent police officer.*

*Fix **28.06.2022** for production and evidence of witness, Bikash Baraik*

*Let a copy of this order along with requisition of summons be sent to OC, Jaigaon PS for his information and compliance.*

*Accused, Samir Baraik is further sent to JC till date.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 18.05.2022*

*Let a copy of order No.29 dt. 18.05.2022 along with requisition of summons be sent to OC, Jaigaon PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 168/2016**

Order No.40,  
dt. 18.05.2022.

*Today is fixed for evidence of the IO.*

*Both the accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Jayanta Barman is present and files hazira.*

*NO PW is present.*

*Perused the record and find that a good number of time has been given to the prosecution for adducing evidence of the IO but it fails to take the opportunity.*

*In the above circumstances, the prosecution has been given a last opportunity to produce the IO, ASI, Utpal Kumar Mondal for his evidence, in default the prosecution witness will be closed.*

*Fix **18.06.2022** for evidence of IO, ASI, Utpal Kumar Mondal, the IO of the case.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

**S/C. 14/2021**

Order No.5,  
dt. 18.05.2022.

*Today is fixed for evidence of CSW No. 1.*

*All [3] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Dulal Ghosh files hazira.*

*NO PW is present.*

*SR is returned after service.*

*On repeated calls, witness, Rajani Toppo is found absent.*

*No any prayer is being made on behalf of the said witness.*

*Perused the record and find that the witness, Rajani Toppo is FIR maker and his evidence is necessary.*

*In the above circumstances, having no alternative, to secure his attendance issue bailable warrant of Rs. 500/- upon the said witness Rajani Toppo on condition to appear before the Ld court on the date fixed.*

*Fix **01.08.2022** for ER of WWA and evidence.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 302/2018**  
**GR Case No. 1541/18**  
**Samuktala PS case No. 209/08 dt. 07.09.2018**

**Order No.24,**  
**dt. 17.05.2022.**

*Today is fixed for appearance & cross-examination of PW1.*

*Accused, Akash Oraon[Mahali] @ Sankar on CB files hazira but on calls he found absent.*

*Ld P P in-charge, Mrs Srimoyee Ghosh Majumder files hazira.*

*PW1, Smt Arati Chhetri is present but she is not further cross-examined by the defence due to absence of accused and his conducting Ld Advocate.*

*In the above circumstances, having no alternative issue WA against the accused, Akash Oraon [Mahali] @ Sankar.*

*The case is adjourned today.*

*To **01.09.2022** for ER of WA.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 17.05.2022*

*Let a copy of order No.24 dt. 17.05.2022 be sent to IC, Falakata PS for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 213/13**  
**GR Case No. 651/03**  
**Falakata PS case No. 82/03 dt. 06.11.2003**

**Order No.24,**  
**dt. 17.05.2022.**

*Today is fixed for appearance & charge.*

*Out of [93] accused persons on CB [67] accused persons are present [24] accused persons are absent and [2] accused persons, namely, Smt Emasin Soren, W/O Amin Soren of Dalgaon T G, Birpara, PS- Falakata & Chota Bandhan Kachua, S/O Charuwa Kachua of Babu Line are expired on 04.03.2022 & 16.05.2022 respectively.*

*Call for death report of the above said deceased.*

*To **08.08.2022** for death report of Smt Emasin Soren, W/O Amin Soren of Dalgaon T G, Birpara, PS- Falakata & Chota Bandhan Kachua, S/O Charuwa Kachua of Babu Line.*

*Let a copy of order be sent to IC, Falakata PS for information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 17.05.2022*

*Let a copy of order No.24 dt. 17.05.2022 be sent to IC, Falakata PS for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.53.  
dt. 13.05.2022.

*Today is fixed for passing order.*

*Ld P P in-charge, Mrs Srimoyee Ghosh Majumder is present and files hazira.*

*Received a report from Samuktala PS, it appears that one warrantee accused, Raju Thapa @ Raj Kumar Chhetri is not alive, who died on 23.11.2020 along with the death certificate.*

*Considered.*

*Let the name of accused, Raju Thapa @ Raj Kumar Chhetri be expunged from the list of the charge-sheet.*

*DA to note.*

*No other accused person is available in the record for contesting this case.*

*So, at this stage the instant case is filed for the present.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 13.05.2022*

*Let a copy of order No.28 dt. 13.05.2022 be sent to OC, Jaigaon PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 70/19**  
**GR Case No. 2064/18**  
**Jaigaon PS case No. 252/18 dt. 30.11.2018**

Order No.28,  
dt. 13.05.2022.

*Today is fixed for cross examination of PW6, Sunita Kami.*

*Both accused persons on CB are absent and they are represented u/s.317 Cr P  
C.*

*Ld P P, Mr Rajib Sutradhar as well as Ld defence counsel is present.*

*No P W is present.*

*Seen the SR, it appears that the witness, Sunita Kami out of station and she is  
now at Dubai.*

*The case is adjourned today.*

*The OC, Jaigaon PS is hereby directed to secure attendance of the witness,  
Sunita Kami, who adduced her evidence in part in this court and her further evidence is  
necessary for ascertaining truth of this case.*

*Fix 22.07.2022 for further cross-examination of PW6, Sunita Kami.*

*Let a copy of this order be sent to OC, Jaigaon PS for his information and  
compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 13.05.2022*

*Let a copy of order No.28 dt. 13.05.2022 be sent to OC, Jaigaon PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 73/19**  
**GR Case No. 2984/18**  
**Jaigaon PS case No. 255/18 dt. 05.12.2018**

Order No.28,  
dt. 12.05.2022.

*Today is fixed for production, evidence of witness, Bikash BARAIK.*

*Accused, Samir Baraik is produced from JC and he is taken into custody.*

*Ld P P, Mr P N Majumder files a time petition on his personal grounds.*

*Witness, Bikash Baraik is produced through, SI, D Pradhan of Jaigaon PS but he is not examined on being absent by Ld P P, Mr P N Majumder. The case is adjourned today.*

*SI, D Pradhan of Jaigaon PS is hereby directed to produce the said witness, Bikash Baraik on 18.05.2022 before this Ld court for his deposition.*

*Accused, Samir Baraik is further sent to JC till date.*

*Fix **18.05.2022** for production and evidence of witness, Bikash Baraik*

*Let a copy of this order be handed over to SI, D Pradhan of Jaigaon PS for his information and compliance.*

*Dictated & corrected  
by me ;  
Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 12.05.2022

Let a copy of order No.28 dt. 12.05.2022 be handed over to SI, D Pradhan of Jaigaon PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat EX- Suit 09/2017**

Order No. 39,  
dt. 07.05.2022

Today is fixed for filing show cause  
The petitioner files a time petition.  
Perused the time petition and find that the ground stated therein is not sufficient.  
The time petition is hereby rejected.  
Ld Advocate for the petitioner, Smt Gopa Kundu appears and sunbmits that the petitioner is not willing to proceed with the case and the case may be dismissed.  
Considered.

Hence,

it is ordered :

the instant Mat Exe-suit be and same is dismissed for non-prosecution.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**Mat Suit 401/2021**

Order No. 4.  
dt. 07.05.2022

*Today is fixed for filing written objection.*

*The petitioner & OP file hazira.*

*Written objection/statement is filed on behalf of the OP. Copy served.*

*During acceptance, the Ld Advocate for the OP has not pressed the written statement and accordingly, the written statement is not accepted.*

*The petitioner files a petition with seeking permission for withdrawl the instant case against the husband on the ground inter alia that the matter has already been settled out of court.*

*Considered.*

*Hence,*

*it is ordered :*

*the instant Mat suit be and same is dismissed without liberty to file a fresh suit.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**Mat Suit 104/2021**

Order No. 4,  
dt. 05.05.2022

*Record is put up on the strength of put up petition.*

*Ld Advocates for the both parties jointly files a petition praying for passing final order on the basis of settling the dispute before the mediation, Alipurduar.*

*Considered.*

*Seen the mediation report which was held on 02.05.2022 and find that the case has been settled amicably between the parties, the marriage tie is dissolved accordingly.*

*Hence,*

*it is ordered :*

*the instant Mat suit be and same is disposed of in terms settlement before the mediation, Alipurduar on 02.05.2022.*

*Accordingly, the decree be drawn.*

*Let the report of mediation is part of the decree.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

Order No. 20  
dt. 04.05.2022

Today is fixed for Ex parte hearing.  
Petitioner is present by filing hazira.  
The petitioner files his examination in chief supported by an affidavit.  
The OP, Smt Minati Chakraborty files a petition with praying vacating Ex parte hearing and one written statement files against the main suit.  
Copy served.  
The Ex parte vacating petition is taken up for hearing.  
Heard both sides.  
Perused the petition and find that the ground stated therein is sufficient.  
Hence, the vacating Ex parte hearing petition is allowed subject to payment of cost of Rs. 200/-.  
Fix **13.05.2022** for payment of cost.  
On receipt of payment of cost the WS will be accepted.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C. 103/17**  
**GR Case No. 2030/13**  
**Kumargram PS case No. 303/13 dt. 24.08.2013**

Order No.42.  
dt. 06.05.2022.

Today is fixed for delivery of judgment.  
All [5] accused persons on CB are present by filing hazira  
Ld P P in-charge, Mr Santanu Biswas as well as Ld defence counsel are present.  
On going to write judgment I have carefully perused the entire case record and

find that the FIR maker, Amal Krishna Das is not examined. The summons was issued in the year, 2019 upon Amal Krishna Das and returned the same with endorsement 'after servicing' but having no signature of the witness, Amal Krishna Das. I think that the evidence FIR maker, Amal Krishna Das is required for ascertaining the truth of the case.

In the above circumstances, I invoke the provision of section 311 of Cr P C for issuance of summons upon the witness, Amal Krishna Das.

The IC, Kumargram PS hereby directed to secure attendance of witness, Amal Krishna Das before this Ld court on 31.05.2022 positively.

To **31.05.2022** for evidence of FIR maker, Amal Krishna Das.

In the above position, the delivery of judgment is deferred.

Let a copy of order along with requisition of summons be sent to IC, Kumargram PS his compliance.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 06.05.2022

Let a copy of order No.42 dt. 06.052022 along with requisition of summons be sent to IC, Kumargram PS his compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 230/19**  
**GR Case No. 347/96**  
**Jaigaon PS case No. 5/16 dt. 11.01.2016**

Order No.11,  
dt. 06.05.2022.

*Today is fixed for further evidence of PW1.*

*Accused, Sanjib Saha on CB are present by filing hazira*

*Ld P P in-charge, Smt Srimoyee Ghosh Majumder as well as Ld defence counsel are present.*

*P W1, ASI, Subrata Das is present who is examined in chief in part and deferred onbeing prayed by Ld prosecution for want of seized alamat. PW1, has formal proof his signature on the two seals & labels and his signatures thereon marked Exbt-3 & 3/1 and 4 & 4/1 respectively.*

*Ld Prosecution has orally prayed that the full seized articles as per the seizure-lists is not produced by OC, Hasimara O P, where the alamat are kept there. So, the OC, Hasimara OP may be directed to produce the seized alamat as per the seizure-lists through his competent authority.*

*Considered.*

*The OC, Hasimara OP is hereby directed to produce the seized alamat before the Ld court on date fixed.*

*Fix **19.05.2022** for evidence.*

*Let a copy of order be handed over to C/562, Subhas Singha for compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Sd/-*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar,***

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. **06.05.2022***

*Let a copy of order No.11 dt. 06.052022 be handed over to C/562, Subhas Singha for compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 92/2017

Order No.35.  
dt. 06.05.2022.

*Today is fixed for evidence of CSW No. 5.*

*All [7] accused persons on CB are present by filing hazira*

*Ld P P in-charge, Shri Chandan Malakar as well as Ld defence counsel are present.*

*No P W is present.*

*Ld defence counsel orally submits that CSW No. 5, Runa @ Nuna Parveen is deaf and dumb and she has permanent disablement of 70% and she has no chance to turn up before the Ld court for deposition. In support a medical certificate is produced before the Ld court.*

*On the other hand, Ld prosecution submits that the prosecution produced as many as four witnesses but none of the witnesses has supported the prosecution Cse and therefore, to avoid the delay prosecution evidence may be closed.*

*In the above circumstances the prosecution evidence is closed.*

*Fix 19.05.2022 for examination of the accused persons u/s. 313 of Cr P C.*

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 10/2012  
GR Case No.2614/2010  
Jaigaon PS case No. 411/10dt. 26.12.2010

Order No.89,  
dt. 06.05.2022.

Today is fixed for appearance & further evidence.

Out of [3] accused persons on CB, [2] accused persons, are present by filing hazira and one accused, Mridul Barman is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge as well as Ld defence counsel are present.

No P w is present.

Seen the report submitted by RO, Alipurduar it appears that SI, Seo Sankar Singh is not alive, who died on 29.04.2021. Hence, the name of the witness, SI, Seo Sankar Singh be expunged from the list of the charge-sheet.

Ld prosecution submits that Ld Magistrate, namely, Surajit Mondal and Sarat Kumar Chhetri are not examined, who conducted TI Parade in this case and their evidence is very necessary for adjudication of this case.

Ld Defence counsel conceded the same and submits that the accused persons are willing to cross-examination of these witnesses.

Considered.

Perused the record and find that a good numbers of requisition were sent befaore the Hon'ble Court causing appearance of the Ld Magistrate, Surajit Mondal, and Sarat Kumar Chhetri for their deposition before this Ld court but they arenot turned up. However, a fresh requisition of summons have been issued in favour of the witnesses, Ld Magistrate, Surajit Mondal & Sarat Kumar Chhetri erstwhile posted as Ld Magistrate 1<sup>st</sup> Court 3<sup>rd</sup>. Alipurduar, respectively.

Let a copy of order be sent to Hon'ble High Court, Calcutta along with fresh requisition of summons upon the witnesses, Shri Surajit Mondal & Shri Sarat Kumar Chhetri, erstwhile Ld Magistrates of Alipurduar Court.

Fix 24.06.2022 for evidence of Ld Magistrates, namely, Surajit Mondal & Sarat Kumar Chhetri.

Issue summons accordingly.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_ /F T C-II, dt. 21.04.2022

Let a copy of order No.89 dt. 06.05.2022 be sent to Hon'ble High Court, Calcutta along

with fresh requisition of summons upon the witnesses, Shri Surajit Mondal & Shri Sarat Kumar Chhetri, erstwhile Ld Magistrates of Alipurduar Court.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**SKELETON CASE RECORD**

**S/C. 68/2006 [S T No. 1 [10]/2006]**

GR Case No. 498/2005

Birpara PS case No. 63/05 dt. 27.06.2005

U/s. 302/201/34 of I P C.

Order No.1,  
dt. 05.05.2022.

*Record is put up on the strength of put up petition.*

*One petition on behalf of the convict/petitioners, Bhagwan Das Munda and Nirmal Munda is filed along with fresh Vakalatnama and along also a certified copy of order passed by Hon'ble High Court, Calcutta dt. 12.04.2022 in connexion with CRAN No. 301/2009 corresponding CRAN No. 4 of 2020 [old CRAN 936 of 2020] in CRAN No. 5 of 2021 and moved.*

*On going through the order dt. 12.04.2022 passed by Hon'ble High Court Calcutta in connexion with CRAN No. 301/2009 corresponding CRAN No. 4 of 2020 [old CRAN 936 of 2020] in CRAN No. 5 of 2021 and find that the Hon'ble Court has been pleased to allow the appellant Nos. 1 & 2, namely, Bhagwan Das Munda and Nirmal Munda shall be released on bail upon furnishing a bond of Rs. 50,000/- each, with two sureties of like amount each, to the satisfaction of Ld ACJM, Alipurduar, Jalpaiguri on condition that the appellants shall report to the said Magistrate once in a month till the disposal of the appeal.*

*In the event, the appellants fail to do so, the said court shall forthwith intimate such fact to the Hon'ble Court and the department shall place this matter before the appropriate bench for necessary order in accordance with law.*

*Fix \_\_\_\_\_ for awaiting order from the Hon'ble Court.*

*Let the copy of the order along with photocopy of order of the Hon'ble High Court, Calcutta be sent to Ld ACJM, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

Addl. Sessions Judge,  
FTC-II, Alipurduar,  
In-charge.

Addl. Sessions Judge,  
FTC-II, Alipurduar,  
In-charge.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 05.05.2022

Let a copy of order No.1 dt. 05.05.2022 along with photocopy of order of the Hon'ble High Court, Calcutta be sent to Ld ACJM, Alipurduar for information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,  
In-charge.

**S/C. 219/16**  
**GR Case No. 1046/10**  
**Madarihat PS case No. 106/10 dt. 08.06.2010**

Order No.42,  
dt. 05.05.2022.

Today is fixed for ER of WA and report from Ld Public prosecutor.

No ER of WA is received.,

No report is received from Ld Public Prosecutor, Alipurduar.

Perused ther record and that the requisition sent to Madarihat PS for execution against the accsued, Shim Charan Kharia, S/O Tirku Kharia and Mathias @ Tanga, S/O Late Thosa Kharia, both of Paschim Madarihat under Madarihat PS vide memoNo. 87 dt. 06.02.2021 but till today no NER or ER is received from Madarihat PS.

The OC, Madarihat PS is given a last opportunity to execute the warrant within the date fixed and submit the compliance report by 17.06.2022.

Fix **17.06.2022** for ER of WA.

Let a copy of order be sent to OC, Madarihat PS for his informantion and compliance.

Dictated & corrected  
by me ;

Sd/-

Sd/-

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 05.05.2022*

*Let a copy of order No.42 dt. 05.05.2022 be sent to OC, Madarihat PS for his  
informantion and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Mat Suit 8/19**

Order No. 20  
dt. 04.05.2022

Today is fixed for Ex parte hearing.  
Petitioner is present by filing hazira.  
The petitioner files his examination in chief supported by an affidavit.  
The OP, Smt Minati Chakraborty files a petition with praying vacating Ex parte hearing and one written statement files against the main suit.  
Copy served.  
The Ex parte vacating petition is taken up for hearing.  
Heard both sides.  
Perused the petition and find that the ground stated therein is sufficient.  
Hence, the vacating Ex parte hearing petition is allowed subject to payment of cost of Rs. 200/-.  
Fix **13.05.2022** for payment of cost.  
On receipt of payment of cost the WS will be accepted.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**S/C. 260/18**  
GR Case No. 2312/17  
Samuktala PS case No. 322/17 dt. 10.12.2017

Order No.27.  
dt. 02.05.2022.

Today is fixed for production and report from the superindendent Alipurduar Correctional Home.

UTP, Thakur Prasad Bhattarai is not produced.

Received a report from superindendent Alipurduar District Correctional Home, it appears that the UTP Thakur Prasad Bhattarai was transferred to Berhampore Central Correctional Home,01.07.2021 for his treatment and since then he is at Berhampore.

Considered.

The superindendent Alipurduar District Correctional Home is directed to collect and produce the present feed back of the UTP Thakur Prasad Bhattarai on 02.06.2022.

Let a copy of order be sent to Superindendent Alipurduar District Correctional Home for information and necessary action.

Fix 02.06.2022 for report.

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 02.05.2022*

*Let a copy of order No.27 dt. 02.05.2022 be sent to District Record Room, In-charge for  
his information and taking necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**IS/C. 11/19**

Order No.17,  
dt. 02.05.2022.

*Today is fixed for evidence of CSW No, 1.*

*Out of [20] accused persons on CB [18] accused persons are present by filing hazira and rest [2] accused person, namely Anima Modak & Jhumki MOdak are absent by petition and they are represented through their Ld Advocate u/s. 317 of Cr P C.*

*One witness, namely, Bhajan Das is present but he is not examined on being prayed by Ld prosecution on his personal ground.*

*Considered.*

*Case is adjourned today.*

*Fix **26.07.2022** for evidence of CSW No. 1.*

*Issue summons at once.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

MACC.42/2020

Order No.7.  
dt. 30.04.2022

*Today is fixed for hearing.*

*The petitioner, Smt Munia Ram files Lawyer's hazira.*

*Ld Advocate for the OP NO. 2 also files hazira.*

*Heard Ld Advocate for the petitioner.*

*Considered.*

*Perused the petition filed by the petitioner, Maya Lama, which is duly verified one. By the instant petition, the petitioner has sought for permission to withdraw this case against the OP No.2, The New India Assurance Co. Ltd.,on the ground inter alia that the dispute has been settled between them.*

*Considered.*

*Prayer is allowed.*

*Hence,*

*it is*

*ordered :*

*that the instant MACC No. 42/2020 be and same is dismissed for non-prosecution.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal  
FTC-II, Alipurduar.*

S/C. 428/2017

Order No.35,  
dt. 28.04.2022.

*Today is fixed for WWA, production & evidence.*

*Accused, Som Bahadur Dorjee @ Dalu is produced from JC and he is taken into custody.*

*Ld P P in-charge, Shri Saurav Ganguly is present by filing hazira.*

*Seen the report of Jaigaon PS.*

*One witness, Akash Dorjee is produced on the strength of WWA.*

*A bail application on behalf of witness, Akash Dorjee is filed and moved through the Ld P P in-charge.*

*Considered.*

*The witness, Akash Dorjee is hereby released on furnishing PR bond of Rs. 500/- with condition to adduce his evidence before the Ld court.*

*The PR Bond is furnished by accused, Akash Dorjee identified by P P in-charge, Shri Saurav Ganguly, which is fit and accpeted.*

*Witness, Akash Dorjee adduced his evidence as PW9 and he has identified his signature on his statement recording u/s. 164 of Cr P C as marked Exbt-10 & 10/1 respectively.*

*No other PW is present.*

*Ld P P incharge submits with a petition u/s. 311 of Cr P C with seeking permission to adduced the evidence of doctor, namely, Sandipan Sarkar of Alipurduar District Hospital, who conducted PM and the SI, Sreejendra Nath Roy, who investigated into this case.*

*Considered.*

*The prosecution be permitted for causing servicing summons upon those two witnesses.*

*Fix **28.06.2022** for evidence of doctor & IO.*

*Accused be remanded to JC till 28.06.2022.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 61/2018

Order No.27,  
dt. 28.04.2022.

*Today is fixed for evidence of CSW Nos. 4 & 5.*

*Both the accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Shri Babul Saha files hazira.*

*No PW is present.*

*Seen the SR, it appears that the summons duly served upon the witness, Smt Munni Munda and Dr. T K Ghosh but on calls they are found absent. No any prayer is being made on behalf of those witnesses.*

*In this circumstances, having no alternative issue bailable warrant of Rs. 500/-, each to secure their attendance before this court as like their evidence is very necessary for adjudication of this case.*

*Fix **08.07.2022** for ER of WWA and evidence.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

MACC Exe. 03/2021

Order No.6.  
dt. 21.04.2022.

*Today is fixed for hearing and order.*

*Decree holder files Lawyer's hazira.*

*Perused the report filed by the D/A and find that the decree amount is Rs. 1,96,500/- and its interest of Rs. 1,00,209 on and from 21.12.2015 to 21.08.2021.*

*Considered.*

*Issue the writ.*

*The DHR is directed file the requisites at once.*

*Fix **07.07.2022** for SR.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar,*

S/C. 64/2012  
GR Case No.1541/2011  
Jaigaon PS case No. 191/11dt. 02.07.2011

Order No.12.  
dt. 21.04.2022.

*Today is fixed for appearance & waiting for case from District Record Room, Jalpaiguri.*

*Accused, Ajinur Mia on CB is present by filing hazira.*

*Ld P P in-charge Mr. Malay Biswas files hazira.*

*No case record is received from District Record room, Jalpaiguri.*

*Call for case record from District Record Room, Jalpaiguri.*

*Let a copy of order be sent to District Record Room, In-charge for his information and taking necessary action.*

*Fix **24.06.2022** for appearance & waiting for case from District Record Room, Jalpaiguri.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 21.04.2022

Let a copy of order No.12 dt. 21.04.2022 be sent to District Record Room, In-charge for his information and taking necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 30/2013  
GR Case No.442/2012  
Madarihat PS case No. 28/12 dt. 28.02.2012

Order No.82,  
dt. 20.04.2022.

Today is fixed for evidence of Dr Prabir Kumar Deb.

Out of [4] accused persons on CB, one accused, Mohabat Khan is present by filing hazira and [3] accused persons are absent by petition and they are represented u/s. 317 of Cr P C through their Ld Advocate.

Ld P P in-charge Mr. P N Majumder as well as Ld defence counsel are present.

No PW is present.

Perused the record carefull and find that a good number of time the requisition of summons sent to Matigara PS for servicing summons upon Dr Prabir Kumar Deb and accordingly, the summons was served but the Dr Prabir Kumar Deb could not turn up before the

Ld court on different plea. Lasly, on 14.03.2022 the requisition of summons was sent to Matigara PS but he is not turned up today before this Ld court.

This case is too old and the witness, Dr Prabir Kumar Deb conducted PM examination over the dead body of the deceased and his evidence is necessary for just adjudication of the case.

In the above circumstances, having no alternative, issueailable warrant against the witness, Dr Prabir Kumar Deb, Head, Department of Forensic Medicine, North Bengal Medical College, Susrat Nagar, PS-Matigara, Darjeeling for Rs. 500/- to secure his attendance before this Ld court on **12.07.2022**.

The OC, Matigara PS, Darjeeling is hereby directed to execute personallyailable warrant upon the witness, Dr Prabir Kumar Deb and submit the compliance report before the Ld court by the date fixed.

Let a copy of order be sent to OC, Matigara PS along with the requisition ofailable warrant for information and compliance.

Fix **12.07.2022** for evidence of Dr Prabir Kumar Dey.

Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.04.2022

Let a copy of order No.82 dt. 20.04.2022 be sent to OC, Matigara PS along with the requisition ofailable warrant for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Order No.12,  
dt. 20.04.2022

*Today is fixed for evidence.*

*Accused person, Bikash Oraon is produced from JC and he is taken into custody.*

*Ld P P Mr P N Majumder is present by filing hazira.*

*No PW is present.*

*Seen the SR, it appears that the summons duly served, but the witness, Anjana Oraon is not turned up before the Ld court, who is the FIR maker and her evidence is very necessary for adjudication of the case.*

*Last time, the summons was served but she is not turned up.*

*In the above circumstances, having no alternative, issue bailable warrant against the witness, Anjana Oraon for Rs. 500/- with condition to secure her attendance before the Ld court on the date fixed.*

*Fix **15.07.2022** for ER of WA and evidence of CSW1.*

*Accused is further sent to JC till date.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.20,  
dt. 20.04.2022

*Today is fixed for evidence.*

*Out of [6] accused persons, [4] accused persons are present by filing hazira and [2] accused persons, namely, Indrajit Das and Kushna Das are absent by petition and they are represented through Ld Advocate u/s. 317 Cr P C.*

*Ld P P in-charge, Mr Dulal Ghosh is present by filing hazira.*

*No PW is present.*

*Seen the SR, it appears that the summons duly served, but the witness, Keshob Barman is not turned up before the Ld court, who is the FIR maker and his evidence is very necessary for adjudication of the case.*

*Last time, the summons was served but he is not turned up.*

*In the above circumstances, having no alternative, issueailable warrant against the witness, Keshob Barman for Rs. 500/- with condition to secure his attendance before the Ld court on the date fixed.*

*Fix 15.07.2022 for ER of WA and evidence of PW1.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 01/09

Order No.92,  
dt. 18.04.2022

*Today is fixed for appearance & production.*

*Accused persons Nirmal Kharia is produced from JC and he is taken into custody and accused, Ganga Rabi Das on CB is present by filing hazira.*

*Ld P P in-charge, Mr Subhas Roy on earlier occasion by filing hazira submits with a petition that prosecution examined as many as two witnesses in past and that evidence are ready to adopt in respect of the present accused persons.*

*Ld Defence Counsel by filing a petition submits for extention of interim bail of the accused, Ganga Rabi Das. She also submits with another petition for adoption of cross-examination of those prosecution witnesses in the instant case.*

*Considered.*

*Both the prayers are allowed. Accordingly, the interim bail of the accused, Ganga Rabi Das is extended till date and the cross-examination of the prosecution witnesses in this case is hereby adopted.*

*Fix 29.04.2022 for examination of the accused persons u/s. 313 of Cr P C.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 217/2017

Order No.39  
dt.18.04.2022.

*Record is put up on the strength of a put up petition.*

*One petition on behalf of accused, Nirmal Munda has been filed with*

*praying to issue release order on the ground inter alia that on 29.05.2005 the accused, has got bail from Addl. Sessions Judge, Alipurduar in connexion with Criminal Misc. No. 131/2005 dt. 18.05.2005 and the bail bond had been furnished but no release order was issued by the Ld court below.*

*Considered.*

*Perused the order dt. 19.05.2005 passed by Ld SDJM, Alipurduar in GR case No. 233/04, it appears that the bail bond had been furnished on behalf of accused, Nirmal Munda which was fit and accepted and also release was issued. So, no question is arise for issuing a fresh release order from this court in favour of the accused, Nirmal Munda.*

*Accordingly, this petition is disposed of without passing any order.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Criminal Revision No. 45/2021**

**Order No. 4.**  
**dt. 18.04.2022.**

*Record is put up up on the strength of a put up petition.*

*The Petitioner, Bhabesh Chandra Das files a petition which is duly verified one.*

*By the instant application the petitioner is praying to stay the order dt. 25.11.2021 passed by Ld J M 1<sup>st</sup> Court, Alipurduar in connexion with M R Case No. 88/2018 u/s.*

125 of Cr P C on the ground inter alia that the petitioner could not appear before the Ld court below on the date of hearing due to lock down in pandemic situation for Covid-19 and Ld court below passed an Ex parte order in the tune of Rs. 10,000/- per month against the petitioner.

Considered the submission.

I have gone through the instant petition as well as material on record, it appears that the petitioner has not filed any single paper to show that the petitioner has praying any single pie in favour of his wife as a maintenance. However, prior to disposal of instant criminal revisional application, the petitioner is directed to pay at least 50%, i.e., Rs. 5,000/- per month in favour of his wife, Kalpana Das till disposal of the instant revisional application.

In this circumstances, the order dt. 15.12.2021 passed by Ld court below in connexion with M R Case No. 88/2018 will be stayed.

Call for LCR at once.

Let a copy of order be sent to the Ld court of J M, 1<sup>st</sup> Court Alipurduar for information and necessary action.

Fix **20.05.2022** for LCR and SR.

Petitioner is hereby directed to file requisites at once.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_/FTC-II

dt. 18.04.2022

Let a copy of order No. 4 dt. 18.04.2022 be sent Ld court of J M, 1<sup>st</sup> Court Alipurduar for information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Order No.7.  
dt. 08.04.2022

*Record is put up on the strength of a put up petition.*

*Another petition has been filed u/O 6 Rule 17 R/W 151 of CPC by both parties jointly along with separate vakalatnama stating that the instant Mat suit has been filed u/s. 13(i),(a),(ib) of H M Act but now they are willing to convert the instant suit on mutual consent u/s. 13B of the H M Act.*

*Heard.*

*Considered.*

*Perused the instant petition, which is bonafide one. So, the prayer of the both petitioners is allowed.*

*Hence,*

*it is*

*ordered :*

*that the petition dt. 08.04.2022 filed by both the petitioners U/O 6 Rule 17 R/W 151 of C P C is considered and allowed.*

*Both the petitioners are permitted to amend the plaint u/s. 13B of H M Act in place of 13(1)(ia)(ib) of H M Act.*

*Todate, i.e., **13.06.2022** for filing amended plaint.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

**Criminal Revision No. 3/2022**

**Order No. 6.**  
**dt. 20.04.2022.**

*Today is fixed for passing order on the petition dt. 07.01.2022.*

*Petitioner files Lawyer's hazira.*

*Perused the petition dt. 07.01.2022 filed by the petitioner, Dipak Sarkar which duly verified one.*

*By the instant application the petitioner has sought for stay the order dt. 24.12.2021 passed by Ld J M, 1<sup>st</sup> Court, Alipurduar in connexion with MR case No. 112/2017 u/s. 125 of Cr P C on ground inter alia that the tune of maintenance allowance in favour of the respondent is too much high.*

*Considered.*

*Perused the stay petition as well as the judgement & order dt. 24.12.2021 passed by Ld court below and find that the tune of Rs. 5,000/- per month for the minor daughter is just and proper but the tune of Rs. 10,000/- per month for the respondent is absurd.*

*In the above circumstances, the petitioner is hereby directed to pay Rs. 5,000/- per month in favour of his minor daughter and for the payment of rest amount is hereby stayed till disposal of instant criminal revisional application.*

*Call for **LCR**.*

*Fix **04.07.2022** for hearing.*

*Petitioner is hereby directed to file requisites at once.*

*Let a copy of order be sent to the Ld court of J M, 1<sup>st</sup> Court Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_/FTC-II*

*dt.20.04.2022*

*Let a copy of order No. 6 dt. 20.04.2022 be sent Ld court of J M, 1<sup>st</sup> Court Alipurduar for information and necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

S/C. 379/2017

Order No. 30.  
dt. 05.04.2022.

*Today is fixed for evidence of CSW Nos. 3 & 4.*

*Out of [23] Accused persons on CB [20] accused persons are present by filing hazira and [2] accused persons are absent by petition and represented u/s. 317 of Cr P C through their Ld Advocate.*

*Ld P P in-charge, Mr Basudeb Das is present as well as Ld Defence counsel is present.*

*One witness, namely, Smt Mamani Mondal has been examined and cross examined in full as PW3 and discharged.*

*No more witness is present.*

*At this stage Ld Advocate for the accused persons submitted through a petition that accused, Subhas Sarkar is no more, who died on 15.08.2021.*

*Considered.*

*Let the name of the accused, Subhas Sarkar be expunged from the charge-sheet.*

*DA to note.*

*Fix **30.06.2022** for evidence of CSW No. 4,*

*Issue summones accordingly.*

*Prosecution to take step.*

*All [22] accused persons must be present on that date,i.d., W/A.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 311/2018**

Order No. 38,  
dt. 22.03.2022.

*Today is fixed for appearance of convict and report of District Probation Officer, Alipurduar.*

*Received one report from District Probation Officer, Alipurduar in respect of convict, Swapan Debnath and nothing adverse has been reported against him.*

*Let the report of District Probation Officer, Alipurduar be kept with the record.*

*Fix **22.06.2022** for appearance of convict and report of District Probation Officer, Alipurduar.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

Order No.04  
dt. 15.03.2022.

*Today is the date fixed for appearance.*

*Appellant, Gouranga Singha files Lawyer's hazira.*

*Ld Advocate for the appellant, Mr Kamalesh Dutta drawn attention to the Ld court for disposing the petition dt. 22.02.2022 filed by the appellant Gouranga Singha, duly verified one that he is not willing to proceed with this appeal and prays the same may be dismissed for non-prosecution.*

*Considered.*

*Let the instant Misc-appeal being No.7/21 be and same is dismissed for non-prosecution without liberty to file the fresh suit against the impugned order dt. 25.08.2021 passed by Ld court below.*

*DA to note accordingly.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

Misc.Appeal 7/2021

Order No.04  
dt. 15.03.2022.

*Today is the date fixed for appearance.*

*Appellant, Gouranga Singha files Lawyer's hazira.*

*Ld Advocate for the appellant, Mr Kamalesh Dutta drawn attention to the Ld court for disposing the petition dt. 22.02.2022 filed by the appellant Gouranga Singha, duly verified one that he is not willing to proceed with this appeal and prays the same may be dismissed for non-prosecution.*

*Considered.*

*Let the instant Misc-appeal being No.7/21 be and same is dismissed for non-prosecution without liberty to file the fresh suit against the impugned order dt. 25.08.2021 passed by Ld court below.*

*DA to note accordingly.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

Order No.16  
dt. 14.03.2022.

Today is the date fixed for appearance & evidence.  
All [15] accused persons on CB are present by filing hazira.  
Ld P P in-charge, Mr Santanu Biswas and Ld Defence counsel are present by filing hazira.

One witness, Pabitra Mohanta is present but he is not examined on being prayed by Ld prosecution with petition.

The case is adjourned today.

Received a report from RO, Alipuduar it appears that IO, SI, Harisha Chandra Barman is not alive in the world who died on 10.06.2020. A death certificate is annexed herewith.

Considered. The witness, SI, Harish Chandra Barman is expunged in the list of the charge-sheet.

DA to note accordingly.

To **19.04.2022** for evidence of CSW No. 1.

Issue summons at once.

Both parties must come ready.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipuduar.

Addl. Sessions Judge,  
FTC-II, Alipuduar.

S/C. 223/19  
GR Case No.739/2017  
Jaigaon PS case No. 97/04 dt. 09.12.2004

Order No.15  
dt. 04.03.2022.

*Record is put up on the strength of a put up petition.*

*Ld Advocate for the accused submits with a petition that Raju Rava has been released in connexion of CR Case NO. 90/2018 by order of Ld court ACJM, Alipuduar on 28.02.2022. So, the production warrant against this accused may be recalled.*

*Considered.*

*Perused the record and find that the accused, Raju Rava was produced before this Ld court on the strength of production warrant by order of Ld ACJM, Alipuduar on 12.06.2018 and since then he is in custody. Even, prior production warrant he was on bail.*

*Considered the above fact, the production warrant is hereby recalled.*

*The superintendent, District Correctional Home, Alipuduar is hereby directed to release the accused, Raju Rava in connexion of this case, if he is not wanted in connexion with any other case.*

*Todate, i.e., on **21.04.2022** for appearance & evidence.*

*Let a copy of order be sent to superintendent, District Correctional Home, Alipuduar for his compliance with carefully.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_/FTC-II*

*dt. 04.03.2022*

*Let a copy of order No. 15 dt. 04.03.2022 be sent to the Superintendent, Alipuduar District Correctional Home for his compliance with carefully.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

S/C. 342/17  
GR Case No. 1983/16

Order No.28  
dt. 04.03.2022.

*Today is the date fixed for cross-examination of PW3.  
Accused, namely, Barun Karmakar is absent without step.  
On calls, neither the accused nor his conducting Advocate is present.  
Ld P P in-charge, Mrs Gopa Kundu is present by filing hazira.  
In this circumstances, issue WA against the accused, Barun Karmakar.*

To **18.04.2022** for ER of WA.

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

S/C. 50/21

Order No. 07  
dt. 04.03.2022.

Today is the date fixed for production and evidence of CSW No. 1.  
Sole accused, namely, Samit Gowala is produced from JC and he is taken into custody.

Ld P P is present as well as Ld defence counsel is also present.

No PW is present.

Received a death report from Samuktala PS, it appears that the CSW No. 1, Pusha Gowala is not alive who died on 05.06.2021.

Considered the death report.

Let the name of witness, Pusha Gowala be expunged in the name of the charge-sheet.

The case is adjourned today.

To **12.05.2022** for evidence of CSW No. 2 & 3.

13.05.2022 for evidence of CSW No. 4 & 5.

16.05.2022 for evidence of CSW No. 6 & 7.

Issue summons accordingly.

Accused, Samit Gowala be further sent to JC till 12.05.2022.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipuduar.

Addl. Sessions Judge,  
FTC-II, Alipuduar.

S/C. 168/17  
GR Case No. 347/96  
Madarihat PS Case No.30/1996

Order No. 10  
dt. 02.03.2022.

*Today is the date fixed for evidence.*

*Ld P P in-charge files hazira.*

*Accused, Bishnu Tati, Bablu Gowala are on CB are present by filing hazira and other accused persons are absent by petition and represented through their Ld Advocate u/s. 317 of Cr P C.*

*At this stage Ld Advocate for accused, Ajay Thapa files an application for issuing a production warrant of the accused, who is in custody in connexion with Madarihat P S Case No. 179/21, GR Case No. 2279/21 and Session Case No. 29/22 pending before this Ld court.*

*The accused is in Alipuduar District Correctional Home.*

*The Superintendent, Alipuduar District Correctional Home is hereby directed to produce the accused, Ajay Thapa on the next date on **16.05.2022** before this court.*

*Issue P W accordingly.*

*Let a copy of this order be sent to the Superintendent, Alipuduar District Correctional Home for information and necessary action.*

*To 16.05.2022 for appearance, production and evidennce.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_/FTC-II*

*dt. 02.03.2022*

*Let a copy of order No. 10 dt. 02.03.2022 be sent to the Superintendent, Alipuduar District Correctional Home for information and necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipuduar.*

S/C. 155/2015

Order No. 52.  
dt. 02.03.2022.

*Today is fixed for DW.*

*Accused person, Debendra Kumar Sharm on CB is present by filing hazira and the accused, Manoj Kumar Sharma on CB is absent by petition.*

*Ld P P in-charge, Mr Basudeb Das as well as Ld defence counsel are present.*

*At this stage Ld Advocate for the accused persons by filing a petition praying for adducing evidence in favour of the accused persons as DW on the grounds stated therein.*

*Heard. Considered. Prayer is allowed.*

*To 06.04.2022 for appearance & evidence of 1] Kedar Sharma, S/O Late Dhanraj Sharma, 2] Sanju Thakur, S/O Jodhan Thakur & 3] Sunayana Thakur, W/O Late Naresh Thakur*

as DWS, all are from Ethelbari Chowpathy, PS- Falakata, District- Alipurduar.  
Ld Defence counsel to take step.  
Accused as before.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 103/2017  
GR Case No.203/13  
Kumargram PS Case No. 303/13 dt.24.08.2013

Order No. 38,  
dt. 19.02.2022.

Today is fixed for evidence of doctor and IO.  
All [5] accused persons are present by filing hazira.  
Ld P P in-charge, Mr Santanu Biswas as well as Ld defence counsel are present.  
No PW is present.

Seen the report submitted by SP, Alipurduar as well as CMOH, Alipurduar, it appears that the court's order vide NO. 37 dt. 09.12.2021 was communicated to the Commissioner of Police, Siliguri Police Commissionerate, Siliguri to secure the attendance of IO, Ex-SI, Khir Prasad Roy and BMOH, Kumargram to secure the attendance of Dr. Tapas Chandra Sarkar.

But neither the doctor nor the IO are turn up before the Ld court.

In this circumstances, the Commissioner of Police, Siliguri Police Commissionerate, Siliguri as well as BMOH, Kumargram are directed to appear before the Ld court along with Ex-SI-Khir Prasad Roy and Dr Tapas Chandra Sarkar respectively, on **06.04.2022** positively.

To 06.04.2022 for appearance & evidence.

Issue summons accordingly.

Prosecution to take step.

Accused as before

Let a copy of this order be sent to Commissioner of Police, Siliguri Police Commissionerate, Siliguri and BMOH, Kumargram for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 19.02.2022

Let a copy of order No. 38 dt. 19.02.2022 be sent to Commissioner of Police, Siliguri Police Commissionerate, Siliguri and BMOH, Kumargram for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 352/2017

Order No. 24.  
dt. 18.02.2022.

Today is fixed for order.

Accused, Ranjit Lama is absent without step.

Seen the report submitted by OC, Kalchini PS, it appears that warrantee accused Ranjit Lama is absconder since long time and he is not residing in his present address. OC, Kalchini PS executed WPA but found nil seizure-lists in presence of witnesses.

in this circumstances, having no alternative to pass an order for **file for present against the present sole accused, Ranjit Lama.**

DA is to note in Trial Register.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Order No. 23.  
dt. 18.02.2022.

*Today is fixed for evidence of CSW No. 1.*

*Accused, Goutam Pal on CB is present by filing hazira and one accused, Suresh Kharia is absent by petition and he is represented by his Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge, Mr Basudeb Das is present as well as Ld Defence counsel is present.  
NO PW is present.*

*Ld Advocates of both sides jointly submit with a petition that the witness, Bed Prakash Agarwal is no more in the world, who died on 15.08.2021.*

*Considered.*

*Let the name of the witness, Bed Prakash Agarwal be expunged from the list of the charge-sheet.*

*DA to note.*

*Fix 05.04.2022 for evidence of CSW No. 2 & 3,*

*06.04.2022 " " " No. 4 & 5.*

*07.04.2022 " " " No. 6 & 7.*

*Issue summones accordingly.*

*Prosecution to take step.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 28.01.2022*

*Let a copy of order be handed over to OC, Jaigaon PS, SI, Souvik Majumder for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 106/2009  
GR Case No.2529/16  
Jaigaon PS Case No. 315/16 dt.28.11.2016*

*Order No. 34.  
dt. 28.01.2022.*

*Today is fixed for WWA and evidence and production.*

*Accused, Som Bahadur Dorjee @ Dalu is produced from JC.*

*Ld P P in-charge, Mr Saurav Ganguly is present by filing hazira.*

*Received a written explanation from OC, Jaigaon PS. Let it be kept with the record.*

*Received a message from Birpara PS stating that SI, Ranjit Kumar Roy is busy in Law & order duty. Let it be kept with the record.*

*OC, Jaigaon PS, SI, Souvik Majumder is present along with ASI, Sanjib Dorjee and submits that the witness, Akash Dorjee is out of his residential address at now and they pray time for at least three months to trace out the said witness and produce him before the Ld court.*

*Considered.*

*The OC, SI, Souvik Majumder is hereby directed to comply his prayer as sought for otherwise, the matter will be referred to his superior authority.*

*Be it mentioned that it is a case u/s. 302 of I P C and witness, Akash Dorjee is vital and eye witness of the incident and his evidence is very much necessary to adjudicate this case.*

*It is further mentioned that this case is not too old.*

*To 28.04.2022 for ER of WWA and evidence and production.*

*Accused Som Bahadur Rai is further sent to JC.*

*Let a copy of order be handed over to OC, Jaigaon PS, SI, Souvik Majumder for his information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 28.01.2022

Let a copy of order be handed over to OC, Jaigaon PS, SI, Souvik Majumder for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

MACC No. 4/2010

Order No.59  
dt. 14.02.2022.

Today is fixed for appearance of SI, Subrata Sarkar and submission of PM report. Petitioner and OP No. 2 file their respective hazira through Ld Advocates.

SI, Subrata Sarkar of Birpara PS is present with a written explanation wherein he stated that the copy of PM report of deceased, Swapan Roy has not been collected, although, he submitted a prayer before Superintendent of Alipurduar District Hospital on 07.02.2022.

Considered.

By this written explanation, SI, Subrata Sarkar cannot be avoided on the liability to produce the PM report of deceased, Swapan Roy. The PM report is a necessary and vital document for adjudication of this claim case.

SI, Subrata Sarkar is directed to take assistance with IC, Kumargram PS, Mr Basudeb Sarkar for collection of PM report of deceased, Swapan Roy and produced the same before this Ld court on 30.03.2022 positively.

The SP, Alipurduar, is directed with request to permit the SI, Subrata Sarkar, now posted at Birpara PS, to go to Kumargram PS for trace out of PM report of deceased, Swapan Roy.

To 30.03.2022 for appearance of IO, SI, Subrata Sarkar and submission of PM report of deceased, Swapan Roy.

Let a copy of order be handed over to SI, Subrata Sarkar for his information and compliance and one another copy be sent to SP, Alipurduar for his information and action.

Dictated & corrected  
by me ;

Sd/-

Judge, MAC Tribunal,  
FTC-II, Alipurduar.

Sd/-

Judge, MAC Tribunal,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 14.02.2022

Let a copy of order No. 59 dt. 14.02.2022 be handed over to SI, Subrata Sarkar for his information and compliance and one another copy be sent to SP, Alipurduar for his information and action.

Judge, MAC Tribunal,  
FTC-II, Alipurduar.

S/C. 238/2017  
GR Case No.1982/17  
Madarihat PS Case No. 124/12 dt.03.09.2012

Order No. 30.  
dt. 14.02.2022.

*Today is fixed for appearance and evidence of Inspector, Arun Kumar Tamang.*

*All [7] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Suresh Chandra Roy is present by filing hazira.*

*Ld Defence counsels are present.*

*NO P W is present.*

*No message is received from SP, NOrth Dinajpore.*

*Perused the record and find that all the witnesses are examined save and except the IO, inspector, Arun KUMar Tamang.*

*on the last date, i.e., on 06.12.2021, Ld court was pleased to direct the SP, North Dinajpore to secure the attendance of Inspector, Arun Kumar Tamang, now posted as Raigunj PD, earstwhile [31.05.2014] he was posted at Madarihat PS.*

*The SP, NOrth Dinajpore is further directed with request to secure attendance of inspector, Arun Kumar Tamang before this court on 24.03.2022 positively with keeping mind that it is a very old case.*

*To **24.03.2022** for appearance and evidence of IO, inspector, Arun Kumar Tamang.*

*Seized alat be produced on the date fixed.*

*Accused as before.*

*Let a copy of this order be sent to SP, North Dinajpore for his informantion and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 14.02.2022*

*Let a copy of order No. 30 dt. 14.02.2022 be sent to SP, North Dinajpore for his  
informantion and compliance..*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 89/2017

Order No. 34,  
dt. 04.02.2022.

*Today is fixed for appearance & evidence.*

*All [4] Accused persons are present by filing hazira.*

*Ld P P in-charge, is present along with [3] witnesses.*

*Witnesses, namely, Raju Bhandari, Saju Tamang and DSP, S T Bhutia are present and examined as PW 2, 3 & 4 respectively. PW2, has identified his signature on two seizure list as marked Exbt-1 & 2 and PW4 has formal proof two seizure-lists as marked Exbt-3 & 4 and rough sketch map with index as marked Exbt-5 & 5/1.*

*IO, SI, ST Bhutia submits that the following witnesses, namely, Prem Kumar Suba, Manoj Biswakarma and C/864, Palden Tamang were dead and other witnesses, namely, Dawa Tshering, Prem Lama, Ganga Singh Tamang are in Bhutan.*

*Ld prosecution orally prays for closure of the evidence.*

*Considered.*

*Fix **21.02.2022** for examination of accused persons u/s. 313 of Cr P C.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 276/2017

Order No. 25.  
dt. 04.02.2022.

*Today is fixed for appearance and death report.*

*Accused, Amit Pradhan on CB is present by filing hazira.*

*Ld P P in-charge, is present by filing hazira.*

*Received a death certificate of Kunana Marak from Kalchini PS along with a report that Kunana Marak and John @ Johna Marak is the same identical person, who died on 30.01.2018.*

*Let the name of accused, John @ Johna Marak @ Kunana Marak be expunged from name of the charge-sheet.*

*DA to note.*

*To **18.04.2022** for evidence of CSW No. 1 & 2.*

*Issue summons accordingly.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 28.01.2022

Let a copy of order be handed over to OC, Jaigaon PS, SI, Souvik Majumder for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 428/2017  
GR Case No.2529/16  
Jaigaon PS Case No. 315/16 dt.28.11.2016

Order No. 34.  
dt. 28.01.2022.

Today is fixed for WWA and evidence and production.  
Accused, Som Bahadur Dorjee @ Dalu is produced from JC.  
Ld P P in-charge, Mr Saurav Ganguly is present by filing hazira.  
Received a written explanation from OC, Jaigaon PS. Let it be kept with the record.  
Received a message from Birpara PS stating that SI, Ranjit Kumar Roy is busy in Law & order duty. Let it be kept with the record.

OC, Jaigaon PS, SI, Souvik Majumder is present along with ASI, Sanjib Dorjee and submits that the witness, Akash Dorjee is out of his residential address at now and they pray time for at least three months to trace out the said witness and produce him before the Ld court.

Considered.

The OC, SI, Souvik Majumder is hereby directed to comply his prayer as sought for otherwise, the matter will be referred to his superior authority.

Be it mentioned that it is a case u/s. 302 of I P C and witness, Akash Dorjee is vital and eye witness of the incident and his evidence is very much necessary to adjudicate this case.

It is further mentioned that this case is not too old.

To 28.04.2022 for ER of WWA and evidence and production.

Accused Som Bahadur Rai is further sent to JC.

Let a copy of order be handed over to OC, Jaigaon PS, SI, Souvik Majumder for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 28.01.2022

Let a copy of order be handed over to OC, Jaigaon PS, SI, Souvik Majumder for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C.168/2013**

Order No. 66.  
dt.25.01.2022

*Today is fixed for evidence and ER of WWA.*

*Accused, Bijay Kharia on CB is present by filing hazira.*

*Ld P P in -charge, Mr Basudeb Das is present.*

*Received compliance report from Birpara PS, it appears that two witnesses, namely, Rabi Lohar & Sankar Oraon were arrested and took PR bond at the PS. The Memo of Arrest, P R Bond sent to the Ld court. let it be kept with the record.*

*Two witnesses, namely, Rabi Lohar & Sankar Oraon are present but they are not examined due to resolution taken by Local Bar Association on account of Pandemic of Covid-19.*

*Accordingly, the said two witnesses, namely, namely, Rabi Lohar & Sankar Oraon be released on their furnishing PR of Rs. 500/- each, with condition to appear before the Ld court on*

***Fix 30.03.2022** for evidence of witnesses, namely, Rabi Lohar & Sankar Oraon.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C.360/2017

Order No. 54.  
dt.19.01.2022

*Today is fixed for delivery of judgment.*

*Accused, Dilip Oraon is produced from JC.*

*Ld P P Mr P N Majumder is present.*

*At the time of writing the judgment, perused record with carefully the find that the P M report has not been marked by D/A due to inadvertence, although, PW15, Dr Uday Sankar Maity has been formal proved and identified the PM report into his evidence as marked Exbt-6.*

*Accordingly, to avoid the future complication, the P M report of Niyati Oraon is marked Exbt-6 and subsequent marking documents will be rectified by its serial number.*

*The D/A is to comply at once.*

*In the above circumstances, the delivery of judgment is deferred and fix **08.02.2022** for Delivery of Judgment.*

*Accused must be produced on the date fixed.*

*Inform.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C.149/2016  
G R Case No. 3154/2015  
Falakata PS case No. 910/2015 dt. 12.11.2015

Order No. 67.  
dt.21.01.2022

*Today is fixed for further evidence.*

*Accused, Mojrul Haque is produced from JC.*

*NO P W is present.*

*Ld P P, Alipurduar submits with a petition that summons duly served upon the charge-sheet witness No. 13,16,17 & 18 but they are not turned up before this Ld court. No instruction has been received from them. Even, their evidence are necessary. To secure their attendance before this Ld court warrant may be issued against them.*

*Considered.*

*Issue bailable warrant against the charge-sheet witness No. 13, 16, 17 & 18 for Rs. 500/- each, with condition to appear before the Ld court on respective date, i.e., 24.02.2022 & 25.02.2022.*

*Fix **24.02.2022** for ER of WWA and evidence of CSW No. 13 & 16.*

***25.02.2022** " " WWA and evidence of CSW No. 17 & 18 &*

***28.02.2022** "" evidence of CSW No. 19 & 20.*

*Issue warrant & summons accordingly as per the schedule.*

*The IC, Falakata PS is hereby directed to comply the above order strictly within the date fixed.*

*The Superintendent of Alipurduar District Correctional Home to produce the accused on the date fixed.*

*Let a copy of order be sent to IC, Falakata PS for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.01.2022*

*Let a copy of order No.67 dt. 21.01.2022 along with the requisition of WWA & summons  
be sent to IC, Falakata PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C.349/2019  
G R Case No. 1315/2017  
Birpara PS case No. 87/2017 dt. 08.07.2017*

*Order No. 31,  
dt.10.01.2022*

Today is fixed for ER of WPA.

Seen the report submitted by ASI, B P Lama of Birpara PS. It appears that he returned the original proclamation of warrant against the accused, Pawan Kherwar without executing it.

The OC, Birpara PS is directed to instruct the procedure to ASI, B P Lama for execution of WPA as per provision of section 82 & 83 of Cr P C and submits report before the Ld court by 10.03.2022.

To 10.03.2022 report.

Let a copy of order along with the returned requisition of WPA be sent to OC, Birpara PS for his information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 19.01.2022

Let a copy of order No.31 dt. 10.01.2022 along with the returned requisition of WPA be sent to OC, Birpara PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C.149/2016  
G R Case No. 3154/2015  
Falakata PS case No. 910/2015 dt. 12.11.2015.

Order No. 65.  
dt.19.01.2022

*Today is fixed for evidence.*

*Accused, Mojrul Haque is produced from JC and he is taken into custody.*

*Ld P P, Mr P N Majumder is present.*

*One witness, Bimal Karmakar is present but he is not examined on the prayer by the Ld defence counsel on his personal ground.*

*Received an order dt. 21.12.2021 passed by Hon'ble High Court, Calcutta, at Jalpaiguri in connexion with CRA No. 1138/2021. The Hon'ble Court directed to the prosecution to produce the witness on each and every date fixed for trial so as to enable the Ld Trial Judge to dispose the matter as expeditiously as possible.*

*In this circumstances, the witness, Bimal Karmakar is directed to appear tomorrow before the Ld court for his deposition.*

*The defence counsel is requested to come ready before this Ld court tomorrow for cross-examination of prosecution witness.*

*The superintendent , Alipurduar District Correctional Home is hereby directed to produce the accused person before the Ld court tomorrow, i.e., on 20.01.2022 with covid-19 negative test report or to make arrangement for hearing in virtual mode.*

*Todate, i.e., **20.01.2022** for appearance & charge.*

*Let a copy of order be sent to Superintendent Alipurduar District Correctional Home for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 19.01.2022

Let a copy of order No.65 dt. 19.01.2022 be sent to Superintendent Alipurduar District Correctional Home for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Mat Suit No.103/2019

Order No.5,  
dt. 24.12.2021

Record is put up on the strength of a put up petition.

The petitioner, Smt Anjali Chouhan files a verified petition with praying for restoration of instant suit by invoking u/O 9 Rule 9 CPC on ground inter alia that on 22.12.2021 no step was taken on behalf of the petitioner due to bonafide mistake on the part of the Law clerk of the sheresta concerned.

Copy served.

Heard.

Considered.

Perused the instant petition, which is within time. So, the prayer of the petitioner is allowed.

Hence,

it is

ordered :

that the petition dt. 24.12.2021 filed by the petition U/O 9 Rule 9 R/W 151 of C P C is considered and allowed.

Let the order No. 4 dt. 22.12.2021 passed by this Ld court be vacated and instant suit be restored.

To 18.02.2022 for filing WS by the OP.

Dictated & corrected  
by me ;

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

S/C. 68/2015  
GR Case No. 499/15  
Madarihat PS Case No. 01/15

Order No. 39.  
dt. 03.01.2022

*Received the skeleton record.*

*Accused, Dipak Shill is produced from JC on the strength of WA and he is taken into custody.*

*But on scrutiny of the record it appears that the accused, Dipak Shill was granted bail and released by furnishing bond.*

*Accordingly, the accused, Dipak Shill be released at once.*

*Todate, i.e., **07.01.2022** for appearance & charge.*

*Let a copy of order be sent to Superintendent Alipurduar District Correctional Home for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 03.01.2022*

*Let a copy of order No.39 dt. 03.01.2022 be sent to Superintendent Alipurduar District  
Correctional Home for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 47/2015  
GR Case No. 459/15  
Jaigaon PS Case No. 318/14

Order No. 38,  
dt. 03.01.2022

*Received the skeleton record.*

*Accused, Dipak Shill is produced from JC on the strength of WA and he is taken into custody.*

*But on scrutiny of the record it appears that the accused, Dipak Shill was granted bail and released by furnishing bond.*

*Accordingly, the accused, Dipak Shill be released at once.*

*Todate, i.e., **10.01.2022** for appearance & charge.*

*Let a copy of order be sent to Superintendent Alipurduar District Correctional Home for his information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 03.01.2022*

*Let a copy of order No.38 dt. 03.01.2022 be sent to Superintendent Alipurduar District Correctional Home for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Today is fixed for step.*

*No WS has been filed.*

*Neither the revisionist nor the respondent/Op take step.*

*On repeated calls, the revisionist and respondent/OP are found absent.*

*None appears on behalf of them.*

*Perused the record that find that the revisionist takes no step on the last date also.*

*In this circumstances, I think that the revisionist is not interested to proceed the instant revision.*

S/C. 55/2015

GR Case No. 3415/14

Kalchini PS Case No. 193/14

Order No. 37.

dt. 03.01.2022

*Received the skeleton record.*

*Accused, Dipak Shill is produced from JC on the strength of WA and he is taken into custody.*

*But on scrutiny of the record it appears that the accused, Dipak Shill was granted bail and released by furnishing bond.*

*Accordingly, the accused, Dipak Shill be released at once.*

*Todate, i.e., 10.01.2022 for appearance & charge.*

*Let a copy of order be sent to Superintendent Alipurduar District Correctional Home for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 22.12.2021*

*Let a copy of order No.37 dt. 03.01.2022 be sent to Superintendent Alipurduar District  
Correctional Home for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Today is fixed for step.*

*No WS has been filed.*

*Neither the revisionist nor the respondent/Op take step.*

*On repeated calls, the revisionist and respondent/OP are found absent.*

*None appears on behalf of them.*

*Perused the record that find that the revisionist takes no step on the last date  
also.*

*In this circumstances, I think that the revisionist is not interested to proceed the instant revision.*

*Hence,*

*it is  
ordered :*

*that the revision being Criminal revision No. 48/2013 be and same is dismissed for default.*

*Let a copy of order along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Mat Suit No.83/21*

*Order No.6.  
dt. 21.12.2021*

*Today is fixed for hearing of the petition.*

*The petitioner, Smt Maya Lama is present by filing hazira.*

*Heard Ld Advocate for the petitioner.*

*Considered.*

*Perused the petition filed by the petitioner, Maya Lama, which is duly verified one. By the instant petition, the petitioner has sought for permission to withdraw this case against her husband Shri Urgan Lama without liberty to file fresh suit on the ground inter alia that the dispute has been settled out of the court.*

*Considered.*

*Prayer is allowed.*

*Hence,*

*it is  
ordered :*

*that the instant MAT Suit No. 83/2021 be and same is dismissed for non-prosecution.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

**Criminal revision No.39/2021**

Order No. 5,  
dt. 23.12.2021

*Record is put up by order of a put up petition.*

*Revisionist files a petition with praying to pass an order on the petition dt. 22.11.2021 which is lying in the record.*

*Perused the petition dt. 22.11.2021 filed by the revisionist, which is duly verified one. By the instant application the revisionists are seeking a stay order dt. 12.11.2021 passed by Ld ACJM-I, Alipurduar in connexion with GR Case No. 2203/21 relating to Samuktala PS case No. 204/21 u/s. 448/323/325/304/506/34 of I P C till disposal of revisional application.*

*Heard both sides.*

*Perused the instant petition as well as LCR it appears that the revisionists have obtained bail u/s. 436 of Cr PC on 25.10.2021 and since then they are enjoying bail privilege. But on 12.11.2021 the IO has made a prayer for addition section 304 of I P C then Ld court below has been pleased to allow the prayer of addition section 304 of I P C and bail granted u/s. 436 Cr PC is rejected and issued WA against all [5] F IR named accused persons, i.e., revisionists.*

*From the above facts, I think that the Ld court below has erred to issue WA without giving opportunity to the FIR named accused persons. So, the order dt. 12.11.2021 is defective one.*

*Hence,*

*it is  
ordered :*

*that the prayer of the revisionists is considered and allowed.*

*Let the order dt. 12.11.2021 passed by Ld court below be stayed till **28.01.2022**.*

*Todate i.e., **28.01.2022** for hearing.*

*Let a copy of this order be sent to court of Ld ACJM-I, Alipurduar for information.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.12.2021*

*Let a copy of order No.05 dt. 23.12.2021 be sent to the court of Ld ACJM-I, Alipurduar for information.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.12.2021*

*Let a copy of order No.04 dt. 20.12.2021 be sent to the court of Ld JM, 2<sup>nd</sup> Court,  
Alipurduar for information and necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

MACC Exe. 2/2021

Order NO. 8,  
dt. 07.12.2021

*Received three Demand Drafts being No. 001684 for amounting to Rs. 8,69,052.34,  
001685 for RS. 8,69,052.33 & 001686 for Rs. 8,69,052.33 respectively, dt. 16.11.2021 in favour  
of Kalpana Barman from HDFC Bank. Let those be kept with the record.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

MACC Exe. 2/2021

Order NO. 9,  
dt. 23.12.2021

*Today is fixed for bringing stay order from the Appellate Court.*

*DHR files hazira through his Ld Advocate.*

*JDR files a petition along with certified copy of Hon'ble High Court's order dt. 16.12.2021 passed in connexion with FMAT 21 of 2021 with CAN No. 2 of 2021 that the Hon'ble Court has been pleased to pass an order to deposit a sum of Rs. 27,00,000/- with the Registrar, Circuit of Calcutta High Court, Jalpaiguri within one week from date, operation of the order dt. 01.10.2021 shall remain stay for a period of four weeks from date or until further order whichever is earlier. However, there shall be an unconditional stay of operation of the order dt. 01.10.2021 for a period of seven days. In the event, the said amount is deposited, the stay shall continue in terms of this order.....*

*As per the observation of the Hon'ble Court I think that the Demand Draft being No. 001684 for amounting to Rs. 8,69,052.34, 001685 for Rs. 8,69,052.33 & 001686 for Rs. 8,69,052.33 respectively, dt. 16.11.2021 in favour of Kalpana Barman lying in the record, which should be returned to the issuing Bank, i.e., HDFC Bank with a direction to make credited in account of the Cholamandalam MS General Insurance Co. Ltd.*

*Further, I hold that the instant Execution case be stayed till further order from the Hon'ble High Court of Circuit Bench, Jalpaiguri.*

*To **22.03.2022** report awaiting order from Hon'ble High Court.*

*Let a copy of order along with three Demand Drafts being No. 001684 for amounting to Rs. 8,69,052.34, 001685 for RS. 8,69,052.33 & 001686 for Rs. 8,69,052.33 respectively, dt. 16.11.2021 be sent to HDFC Bank, Chennai, ITC Centre, Anna Salai Branch, 759 ITC Centre Anna Salai, Opp. To TVS Bus Stop, PO – Anna*

Salai, District -Chennai, Tamil Nadu, Pin Code No.600,002 for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Judge, MAC Tribunal,  
FTC-II, Alipurduar.

Sd/-

Judge,MAC Tribunal,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 23.12.2021

Let a copy of order No. 9 dt. 23.12.2021 along with along with three Demand Drafts being No. 001684 for amounting to Rs. 8,69,052.34, 001685 for RS. 8,69,052.33 & 001686 for Rs. 8,69,052.33 respectively, dt. 16.11.2021 be sent to HDFC Bank, Chennai, ITC Centre, Anna Salai Branch, 759 ITC Centre Anna Salai, Opp. To TVS Bus Stop, PO – Anna Salai, District -Chennai, Tamil Nadu, Pin Code No.600,002 for information and compliance.

Judge,MAC Tribunal,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,

*Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 22.12.2021*

*Let a copy of order dt. 22.12.2021 along with the order dt. 10.11.2021 be sent to NAZIR OF Alipurduar Court, for his information and compliance.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar,*

S/C. 89/2017

GR Case No. 769/99

Jaigaon PS Case No. 97/1999 dt.29.09.1999

Order No. 33.  
dt. 23.12.2021.

*Today is fixed for evidence of CSW No. 1 and IO.*

*All [4] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Smt Gopa Kundu is present by filing hazira. Ld Advocate for the accused persons are present.*

*No PW is present.*

*Seen the SR, it appears that witness, Prem Kumar Suba is not residing at the alleged address.*

*Perused the record and find that the Jaigaon PS informed this Ld court the list of the witnesses, namely, Prem Lama,Dawa Tshering, Raju Bhandari, Ganga Singh Tamang, Sanju Tamang are not residing of the alleged addresses as submitted by the IO in the charge-sheet.*

*The IO, SI, Sunam Tshing Bhutia [ST Bhutia] previously posted at Jaigaon PS dt.*

25.10.1999 is directed to appear personally before the Ld court along with above said witnesses with keeping mind that this case is too old and their evidences are necessary for adjudication of this case.

The SP, Alipurduar is directed with request to trace out SI, S T Bhutia and directed him to appear before this Ld court along with all witnesses on 04.02.2022.

To 04.02.2022 for appearance, evidence and appearance of IO, SI, S T Bhutia.

Ld prosecution to take step for issuing summons upon the witness.  
Accused as before.

Let a copy of order be sent to SP, Alipurduar for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 23.12.2021

Let a copy of order No.33 dt. 23.12.2021 be sent to SP, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 260/2017  
GR Case No. 294/02  
Jaigaon PS Case No. 34/02 dt.12.06.2002

Order No. 26.  
dt. 23.12.2021.

Today is fixed for appearance and ER of WA against the accused, Gobin @ Bhotey Dorjee and Raju Rava. Accused Rajen Lohar is present by filing hazira. Accused, Raju Rava is produced on the strength of production warrant and he is taken into custody.

No ER of WA is received from Kalchini PS.

Perused the record and find that requisition of warrant sent to Kalchini PS for execution against the warrantee accused Gobin @ Bhotey Dorjee, S/O, Gopal Dorjee of Garopara, Bhatkhawa Tea Garden, PS – Kalchini vide process No. 392 dt. 23.11.2021 but no report has yet been received.

The OC, Kalchini PS is hereby directed to execute the warrant and submit the compliance report by 25.02.2022 positively.

To 25.02.2022 for appearance, production and ER of WA.

Let a copy of order be sent to OC, Kalchini PS for his information and compliance.

Accused, Raju Rava is further sent to JC till 25.02.2022.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 23.12.2021

Let a copy of order No.26 dt. 23.12.2021 be sent to OC, Kalchini PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

MACC Exe. 7/2019

Order dt. 22.12.2021

*Today is fixed for report and further order.*

*DHR files hazira through his Ld Advocate.*

*No report is received.*

*NAZIR of Alipurduar Court, is personally present and submits that he could not appoint a special messenger for causing servicing the impugned order upon the Branch Manager, AXIZ Bank Ltd., Jalpaiguri Branch and he prays another date.*

*Considered.*

*NAZIR of Alipurduar Court is hereby directed to appoint a special messenger for causing servicing impugned order to the above said Bank.*

*To 27.01.2022 report and further order.*

*Let a copy of order along with the order dt. 10.11.2021 be sent to NAZIR of Alipurduar court for information and compliance.*

*Dictated & corrected  
by me ;.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 22.12.2021*

*Let a copy of order dt. 22.12.2021 along with the order dt. 10.11.2021 be sent to NAZIR OF Alipurduar Court, for his information and compliance.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar,*

Order No. 21.  
dt. 22.12.2021.

*Today is fixed for ER of WA.*

*Received NER from Madarihat PS, it appears that the warrantee accused, Banu Basumata [Mondal] is not residing at Mujnai Tea Garden Factory Line under PS – Madarihat. The Gram Panchayet also submits a report in the same motion.*

*Considered.*

*Let the instant case be filed for present against the above named accused at this stage.*

*D/A to note.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 145/2017*

*Order No. 21,  
dt. 22.12.2021.*

*Today is fixed for ER of WA.*

*Received NER from Madarihat PS, it appears that the warrantee accused, Banu Basumata [Mondal] is not residing at Mujnai Tea Garden Factory Line under PS – Madarihat. The Gram Panchayet also submits a report in the same motion.*

*Considered.*

*Let the instant case be filed for present against the above named accused at this stage.*

*D/A to note.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 428/2017  
GR Case No. 2529/16  
Jaigaon PS Case No. 315/16 dt.28.11.2016

Order No. 33.  
dt. 22.12.2021.

*Today is fixed for production and evidence.*

*Accused, Som Bahadur Dorjee @ Dalu is produced from JC and he is taken into custody.*

*Ld P P in-charge files hazira.*

*No PW is present.*

*Perused the record and find that on the last date, i.e., 30.09.2021 Ld court was pleased to direct ASI, Ranjit Kumar Roy to execute WWA against the witness, Akash Dorjee and submit the compliance report.*

*But till 12:40 p m this day no report has been received.*

*After passing the above order at about 12:45 hours one, HG, 248-Nikhil Roy of Jaigaon PS is appeared along with NER submitted by ASI, Sanjib Dorjee of Jaigaon PS.*

*It is very surprising enough that last date ASI, Ranjit Kumar Roy prays another date for execution of WWA and today one another ASI, Sanjib Dorjee prays another date for execution of WWA.*

*The OC, Jaigaon PS is hereby directed to appear personally, along with both ASI, Ranjit Kumar Roy & Sanjib Dorjee with a written explanation as why the warrant has not been executed against the above said witness, Akash Dorjee on 28.01.2022.*

*Todate, i.e., **28.01.2022** for ER of WWA and evidence and production.*

*Accused, Som Bahadur is further sent to JC till 28.01.2022.*

*Let a copy of order be sent to OC, Jaigaon PS for his information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 22.12.2021*

*Let a copy of order No.33 dt. 22.12.2021 be sent to OC, Jaigaon PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 79/2021  
GR Case No. 733/21  
Alipurduar PS Case No. 138/21 dt.05.05.2021

Order No. 10,  
dt. 21.12.2021.

*Record is put up by order of put up petition.*

*Perused the petition filed by the petitioners, Manik Barman and Chiranjit Roy, who are praying to return the seized motor-cycles being No. WB 70 J 6341 & WB 70 H 7275 respectively which are seized in connexion of this case.*

*Seen the report of the IO, who raises objection on release of seized motor-cycles on the ground inter alia that there is an apprehension that the petitioners might sell the motor-cycles elsewhere to demolish the vital evidence.*

*Considered the prayer of the IO, I have gone through the record and find that the seized motor-cycles are material evidence. So, I think that pre-trial stage, if these motor-cycles are released then the prosecution will be prejudiced.*

*Accordingly, the prayer of the petitioners is not appreciated at this stage.*

*The IO, SI, Nirmal Barman of Sonapur OP under Alipurduar PS, is hereby directed to keep these motor-cycles with safe and security. If the motor-cycles would be any mischiefed or damaged then the compensation would be bore by you.*

*Todate, i.e., **28.02.2022** for appearance & charge,*

*Let a copy of order be sent to IO,SI, Nirmal Baman of Sonapur OP under Alipurduar PS through IC, Alipurduar PS, for his information and action*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 21.12.2021

Let a copy of order No.10 dt. 21.12.2021 be sent to IO,SI, Nirmal Baman of Sonapur OP under Alipurduar PS through IC, Alipurduar PS, for his information and action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

MACC No.64/2018

Order No.19,  
dt. 21.12.2021

Today is fixed for WS and report.

The petitioner, Smt Namita Mahato is present by filing hazira along with a fresh Vakalatnama.

The petitioner, files one petition along with a document. By the instant petition, the petitioner has sought for permission to withdraw this claim petition against the OP, Bidhan Mahato on the ground inter alia that the matter has been settled out of court and she is not willing to proceed this case furthermore.

Considered.

Perused the agreement and find that the petitioner is ready to withdraw the claim application against the OP, Bidhan Mahato, who is paying cash of Rs. 3,50,000/- as a compensation to the petitioner and her four minor children.

Considered.

Prayer is allowed.

Hence,

it is

ordered :

that the instant MACC No. 64/2018 be and same is dismissed for non-prosecution.

Dictated & corrected  
by me ;

Judge, MAC Tribunal,  
FTC-II, Alipurduar.

Judge,MAC Tribunal,  
FTC-II, Alipurduar.

Mat Suit No.83/21

Order No.6.  
dt. 21.12.2021

*Today is fixed for hearing of the petition.*

*The petitioner, Smt Maya Lama is present by filing hazira.*

*Heard Ld Advocate for the petitioner.*

*Considered.*

*Perused the petition filed by the petitioner, Maya Lama, which is duly verified one. By the instant petition, the petitioner has sought for permission to withdraw this case against her husband Shri Urgan Lama without liberty to file fresh suit on the ground inter alia that the dispute has been settled out of the court.*

*Considered.*

*Prayer is allowed.*

Hence,

*it is*

*ordered :*

*that the instant MAT Suit No. 83/2021 be and same is dismissed for non-prosecution.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

S/C. 213/2013

Order No.22.  
dt. 21.12.2021.

*Today is fixed for appearance.*

*Out [94] accused persons on CB, [82] are present by filing hazira and [11] accused*

persons are absent by petition. One accused person, namely, Nigarus Minj died as informed by Ld Advocate for the accused person with a petition.

Ld P P- in-charge Mr Basudeb Das & Ld Defence counsel are present by filing hazira.

Considered.

Let the name of accused, Nigarus Minj be expunged in the list of the charge-sheet.

D/A to note.

Fix **25.02.2022** for appearance and charge.

All the accused persons must be present, in default WA.

Dictated & corrected

by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 06.12.2021

Let a copy of order No.29 dt. 06.12.2021 be sent to SP, North Dinajpore through RO, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Criminal (A) No.07/2016

Order No. 4.  
dt. 20.12.2021

*Today is fixed for hearing.*

*Appellant files Advocate's hazira.*

*Ld P P files hazira.*

*On calls neither the appellant, nor the conducting Advocate for the appellant appear before the Ld court.*

*On the last occasion also the Advocate for the appellant was absent.*

*Considering the conduct, it appears that the appellant is not interested to proceed with the Criminal Appeal.*

*In this circumstances,*

*it is*

*ordered :*

*that the instant Criminal Appeal being No. 7/2016 be and same is dismissed for non-prosecution.*

*Let a copy of order along with LCR be sent to the court of Ld JM, 2<sup>nd</sup> Court, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 21.12.2021*

*Let a copy of order No.04 dt. 20.12.2021 be sent to the court of Ld JM, 2<sup>nd</sup> Court, Alipurduar for information and necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No. 7,  
dt. 09.12.2021

*Record is put up by order of a put up petitioner.*

*The JDR, Cholamandalam GIC Ltd., files a petition with praying to return the draft submitted HDFC Bank.*

*Copy served with objected to.*

*Heard both sides.*

*Perused the instant petition filed by the JDR and materials on the record it appears, that no stay order has been filed by the JDR till today. So, the prayer as sought for by JDR has not been appreciated.*

*Accordingly, the petition filed by the JDR is considered.*

*Todate.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

S/C. 103/17  
GR Case No.203/13  
Kumargram PS case No. 303/13 dt. 24.08.2013

Order No.37,  
dt. 09.12.2021.

*Today is fixed for evidence of doctor and IO.*

*All [5] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Santanu Biswas as well as Ld defence counsel are present.*

*Seen the SR, it appears that the summons has been duly served upon Dr Tapas Chandra Sarkar and the RO sent a message to Ex-SI, Khir Prasad Roy on his residential address, village, Shib Mandir, Halen Math More, PS- Matigara, District- Darjeeling. But none of the witness are present today.*

*Ld P P in-charge submits that the Dr Tapas Chandra Sarkar is out of District and he prays one another date.*

*Considered.*

*The case is adjourned today.*

*Fix **19.02.2022** doctor, Tapas Chandra Sarkar and IO, EX-SI, Khir Prasad Roy.*

*The Police Commission rate Siliguri is directed with request to secure attendance of IO, EX-SI, Khir Prasad Roy before this court on the date fixed for his evidence, with keeping mind that the case is very old and his evidence is very necessary for proper adjudication the case.*

*Let a copy of this order be sent to Police Commission-rate Siliguri information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Memo No. \_\_\_\_\_ /F T C-II, dt. 09.12.2021

Let a copy of order No.37 dt. 09.12.2021 be sent to IC, Alipurduar PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No.152/2020**

Order No.06,  
dt. 07.12.2021

Today is fixed for Ex parte hearing.  
The petitioner, Smt Susmita Dutta [Kundu] is present by filing hazira.  
Smt Susmita Dutta files her written examination in chief supported by an affidavit

and one of the witness, Jitendra Chandra Dutta, who also filed his written examination in chief supported by an affidavit. Copy not served. Let it be kept with the record.

OP/respondent, Dipendu Kundu files a verified petition with praying for vacating Ex parte hearing along with one another verified petition with praying for con-donation of delay to file the written statement. Copy served.

Heard. Considered.

An Ex parte hearing is hereby vacated, subject to payment of cost of Rs. 200/-.

The WS filed by the respondent/OP, copy served, which is accepted and kept with the record.

Fix 25.01.2022 for framing of issues and payment of cost of Rs. 200/- by the OP to the petitioner.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

MACC NO.60/16

Order No. 21.  
dt. 22.03.2021

Today is fixed for payment of commissioner fees.

The OP No. 1 & O P No. 2 file their respective haziras through their Ld Advocates.

The petitioner, Somra @ Bhiru Oraon @ Munda takes no step.

On calls Ld Advocate for the petitioner is present and submits with a petition that the petitioner is not alive, who died. So, he is unable to submit any thing more.

Under the above circumstances,

Hence,

it is  
ordered :

that the instant MACC No. 60/16 be and same is disposed of for non prosecution.

Dictated & corrected  
by me.

Judge, MAC Tribunal,  
FTC-II, Alipurduar.

Judge,MAC Tribunal,  
FTC-II, Alipurduar.

S/C. 319/2017  
GR Case No.401/94  
Alipurduar PS case No. 137/94 dt. 13.06.1994

Order No.26,  
dt. 07.12.2021.

Today is fixed for ER of WA.

No ER of WA is received.

Perused the record and find that the requisition of warrant sent to your end for execution vide Process No. 241 dt. 20.03.2021 but till today no NER or ER is received.

Accordingly, the IC, Alipurduar PS is directed to see personally and execute the WA and submit the compliance report by **19.01.2022**.

Fix **19.01.2022** for ER of WA upon the accused, Rahimuddin Mia by IC, Alipurduar PS.

Let a copy of this order be sent to IC, Alipurduar PS for his information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_ /F T C-II, dt. 07.12.2021

Let a copy of order No.26 dt. 07.12.2021 be sent to IC, Alipurduar PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 14/2015

Order No.47.  
dt. 07.12.2021.

*Today is fixed for ER of WPA and appearance.  
Accused, Abraham Kocj @ Bangal on C B is present by filing hazira.  
No ER of WPA is received against the accused, Sarma Rava @ Hash.  
Perused the record and find that the WPA has been issued since long time against the  
above said accused but no fruitful result cropped up.  
In this circumstances, the case against the Sarma Rava @ Hash is filed for present.  
Further perused the record and find that the rest [4] accused persons have already been  
filed for present.*

*Fix **24.01.2022** for appearance and framing of charge.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

—  
S/C. 416/2017

Order No.29.  
dt. 06.12.2021.

*Today is fixed for appearance of OC, Madarihat PS along with written explanation.*

*Out of [4] accused persons on CB, [3] accused persons are present by filing hazira and one accused, Dipraj Chhetri is absent by petition.*

*Ld P P- in-charge Mr Santanu Biswas & Ld Defence counsel are present by filing hazira.*

*OC, Madarihat PS, namely, SI, Gaurab Hasda is present and submits a written explanation.*

*Considered. The written explanation is accepted.*

*The OC, Madarihat PS further prays for issuance of WPA against the warrantee accused, Kundan Bhujel.*

*Considered.*

*Issue WPA.*

*Fix **07.02.2022** for ER of WPA and appearance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 06.12.2021

Let a copy of order No.29 dt. 06.12.2021 be sent to SP, North Dinajpore through RO, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 238/2017  
GR Case No.1982/12  
Madarihat PS case No.124/12 dt. 03.09.2012

Order No.29,  
dt. 06.12.2021.

Today is fixed for evidence of IO.

All [7] accused persons on CB are present by filing hazira.

Ld P P- in-charge Mr Suresh Chandra Das & Ld Defence counsel are present by filing hazira.

No PW is present.

Received a message from RO [S] Alipurduar that an information has been given to RO, Raigunj PD with a direction to appear Inspector, Arun Kumar Tamang before the Ld court today [06.12.2021]. But he is not turned up today.

The SP, North Dinajpore is directed with request to secure attendance of inspector, Arun Kumar Tamang, now posted at Raigunj PD erstwhile posted at Madarihat PS before this Ld court on 14.02.2022 positively with keeping mind that it is a very old case.

Fix **14.02.2022** for appearance of OC, Kalchini PS.

Let a copy of this order be sent to SP, North Dinajpore through RO, Alipurduar for his information and compliance.

Accused as before.

Seized alams are to be produced by the date fixed.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 06.12.2021

Let a copy of order No.29 dt. 06.12.2021 be sent to SP, North Dinajpore through RO, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 13/2016  
GR Case No.2999/15  
Kalchini PS case No.192/015 dt. 31.10.2015

Order No.43,  
dt. 04.12.2021.

Today is fixed for appearance & death report.

All [3] accused persons on CB are present by filing hazira.

Ld P P- in-charge Mrs Srimoyee Ghosh Majumder is present by filing hazira.

No death report is received against the accused, Kamal Biswas.

Perused the record and find that copy of order was sent to Kalchini PS with direction to collect the death report and submit the same before the Ld court vide process No. 156 dt. 15.03.2021. But till today no report has been received from Kalchini PS.

The OC, Kalchini PS is directed to appear personally with a written explanation as why the court's order cannot be complied along with death report of Kamal Biswas on **01.02.2022**.

Fix **01.02.2022** for appearance of OC, Kalchini PS.

Let a copy of this order be sent to OC, Kalchini PS along with written explanation, for his information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 04.12.2021*

*Let a copy of order No.43 dt. 04.12.2021 be sent to OC, Kalchini PS along with written explanation, for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 217/2017  
G R Case No. 223/2004  
Birpara PS Case No.29/2004 dt. 08.04.2004

Order No.29.  
dt. 02.12.2021.

Today is fixed for production, appearance & charge.

Out of [23] accused persons on CB, [16] accused persons are present in the court by filing hazira and [7] accused persons, namely, Xavier Munda, Sukher Munda, Mohan Tirkey, Dipika Lakra, Stifen Oraon, Somra Oran & Kalabati Oraon are absent by petition.

Ld P P in-charge Mr Rajib Sutradhra files hazira.

Perused the time petition and find that the ground stated therein is not sufficient. Hence, the time petition is rejected.

Issue WA against all [7] above named absentee accused persons.

Accused, Nirmal Munda is in custody in connexion with Birpara PS case No. 63/2005 dt. 27.06.2005 relating to G R case No.498/05 arising out of S/C. 68/2006 [S T. No. 1[10]07 (convicted by Ld court of ADJ, FTC-I, Alipurduar).

Issue production warrant of accused, Nirmal Munda.

The superintendent of District Correctional Home, Alipurduar is directed to produce accused, Nirmal Munda before this Ld court on **29.01.2021**

Fix **29.01.2021** for appearance, ER of WA and production.

Let a copy of this be sent to the Superintendent, District Correctional Home, Alipurduar for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 02.12.2021

Let a copy of order No.29 dt. 02.12.2021 be sent to the Superintendent, District Correctional Home, Alipurduar for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 267/2017  
GR Case No.202/2003  
Jaigaon PS case No. 23/03 dt. 20.04.2003

Order No.23,  
dt. 03.12.2021.

*Today is fixed for appearance & death report.*

*Accused, Amit Pradhan on CB is absent without step.*

*On calls, none appears on behalf of him.*

*In this circumstances, issue WA against the accused, Amit Pradhan.*

*No death report is received against the accused, John @ Johna Marak, S/O Nani of Kalkut Forest busti, PS- Kalchini, District- Alipurduar.*

*The OC, Kalchini PS is directed to collect death report of accused, John @ Johna Marak, S/O Nani of Kalkut Forest busti, PS- Kalchini, District- Alipurduar and also directed to execute WA against the accused, Amit Pradhan and submit compliance report before the Ld court on 04.02.2022.*

*Fix **04.02.2022** for ER of WA and submission of death report by OC, Kalchini PS.*

*Let a copy of this order be sent to OC, Kalchini PS along with WA of accused, Amit Pradhan for his information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 03.12.2021*

*Let a copy of order No.23 dt. 03.12.2021 be sent to OC, Kalchini PS along with WA of accused, Amit Pradhan for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 111/2013  
GR Case No. 612/2006  
Alipurduar PS case No. 141/06 dt. 07.08.2006

Order No.58.  
dt. 03.12.2021.

*Today is fixed for evidence of the IO.*

*Accused, Jagannath Roy is present by filing hazira.*

*Ld P P in-charge Mrs. Srimoyee Majumder as well as Ld defence counsel are present.*

*No PW is present.*

*Perused the record that find that the evidence of IO, SI, Gautam Das, SI, B K Roy and SI B Sinchury are examined in this case and their evidence are necessary for adjudication of this case.*

*The SP Alipurduar is directed with request to secure the attendance of those police officers as named above before this Ld court on the date fixed with keeping mind that the case is too old.*

*Fix **31.01.2022** for evidence of IO, SI, Gautam Das, SI, B K Roy and SI, B Sinchury.*

*Accused as before.*

*Let a copy of this order be sent to SP, Alipurduar along with requisitions of summons for his information and action.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 03.12.2021*

*Let a copy of order No.58 dt. 03.12.2021 be sent to SP, Alipurduar along with requisitions of summons for his information and action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

OC-Appeal No.13/2009

Order No. 33.  
dt. 02.12.2021

*Today is fixed for further step of appellant.*

*No step is taken by respondent/OP.*

*Ld Advocate for the appellant files a petition praying for time on the grounds stated therein.*

*Considered.*

*Prayer is rejected.*

*On repeated calls, the appellant and respondent/OP are found absent.*

*None appears on behalf of them to move the time petition.*

*Perused the record that find that the appellant had filed the same time petition on the last date also.*

*In this circumstances, I think that the appellant is not interested to proceed the instant appeal.*

*Hence,*

*it is*

*ordered :*

*that the appeal being OC-Appeal No. 13/2009 be and same is dismissed for default.*

*Let a copy of order along with LCR be sent to the Ld court of Ld Civil Judge, Jr. Division, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 02.12.2021*

*Let a copy of order No. 33 dt. 02.12.2021 along with LCR be sent to the Ld court of Ld Civil Judge, Jr. Division, Alipurduar for information and necessary action.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

*Misc-Appeal No. 6/2010*

*Order dt. 02.12.2021*

*Today is fixed for SR & hearing.*

*Ld Advocate for the appellant files hazira.*

*No step is taken by respondent/OP.*

*Requisites yet to be filed.*

*On repeated calls, the appellant and respondent/OP are found absent.*

*None appears on behalf of them.*

*Perused the record that find that the appellant takes no step on the last date also only files Lawyer's hazira.*

*In this circumstances, I think that the appellant is not interested to proceed the instant Misc-appeal.*

*Hence,*

*it is  
ordered :*

*that the appeal being Misc-appeal No. 6/2010 be and same is dismissed for default.*

*Let a copy of order along with LCR be sent to the Ld court of Ld Civil Judge, Jr. Division, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 02.12.2021

Let a copy of order dt. 02.12.2021 along with LCR be sent to the Ld court of Ld Civil Judge, Jr. Division, Alipurduar for information and necessary action.

Addl. District Judge,  
FTC-II, Alipurduar,

Criminal Revision No. 48/2013

Order No.4.  
dt. 02.12.2021

Today is fixed for step.

No WS has been filed.

Neither the revisionist nor the respondent/Op take step.

On repeated calls, the revisionist and respondent/OP are found absent.

None appears on behalf of them.

Perused the record that find that the revisionist takes no step on the last date also.

In this circumstances, I think that the revisionist is not interested to proceed the instant revision.

Hence,

it is  
ordered :

that the revision being Criminal revision No. 48/2013 be and same is dismissed for default.

Let a copy of order along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action.

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 02.12.2021

Let a copy of order No.4 dt. 02.12.2021 along with LCR sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 217/2017

Order No.29.  
dt. 02.12.2021.

Today is fixed for production, appearance & charge.

Out of [22] accused persons on CB, [16] accused persons are present in the court by filing hazira and [7] accused persons, namely, Xavier Munda, Sukher Munda, Mohan Tirkey, Dipika Lakra, Stifen Oraon, Somra Oran & Kalabati Oraon \*\*\*\*\*

Accused, Lawrence Hasda on CB is present by filing hazira.

Ld P P in-charge Mr Babul Saha as well as Ld defence counsel are present.

IO, ASI, Gurudas Roy is present but he is not examined on being prayed by Ld prosecution that the victim has not been examined in this case till today.

Considered.

Perused the record and find that SR is received upon the victim, Charushila Murmu and one another witness, Manjhan Murmu, who received summons duly signed upon the acknowledgement but on calls they were not present before the Ld court yesterday.

In this circumstances, issue bailable warrant against the above said witnesses for Rs. 500/- each, to secure their attendance before the Ld court on the date fixed.

Fix **29.01.2021** for report & evidence.  
Issue summons accordingly.

Let a copy of this be handed to IO, ASI, Gurudas Roy with a direction to execute the same with help of OC Samuktala PS for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 02.12.2021

Let a copy of order No.61 dt. 02.12.2021 be handed to IO, ASI, Gurudas Roy with a direction to execute the same with help of OC Samuktala PS for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 51/2014  
GR Case No. 1073/13  
Samuktala PS Case No. 110/2013 dt.17.05.2013

Order No.61,  
dt. 02.12.2021.

Today is fixed for evidence of I O.  
Accused, Lawrence Hasda on CB is present by filing hazira.  
Ld P P in-charge Mr Babul Saha as well as Ld defence counsel are present.  
IO, ASI, Gurudas Roy is present but he is not examined on being prayed by Ld prosecution that the victim has not been examined in this case till today.

Considered.

Perused the record and find that SR is received upon the victim, Charushila Murmu and one another witness, Manjhan Murmu, who received summons duly signed upon the acknowledgement but on calls they were not present before the Ld court yesterday.

In this circumstances, issue bailable warrant against the above said witnesses for Rs. 500/- each, to secure their attendance before the Ld court on the date fixed.

Fix **29.01.2021** for report & evidence.  
Issue summons accordingly.

Let a copy of this be handed to IO, ASI, Gurudas Roy with a direction to execute the same with help of OC Samuktala PS for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 02.12.2021

Let a copy of order No.61 dt. 02.12.2021 be handed to IO, ASI, Gurudas Roy with a direction to execute the same with help of OC Samuktala PS for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 90/2013  
GR Case No. 2146/2011  
Birpara PS case No. 150/18 dt. 20.12.2018

Order No.30.  
dt. 02.12.2021.

Today is fixed for evidence.

Out of [7] accused persons, on CB [6] accused persons are absent by petition and they are represented through their Ld Advocate u/s.317 of Cr P C. and one accused, Rituraj Rai [Tamang] @ Bokey was died as informed by Ld Advocate for the accused person.

No PW is present.

The case is adjourned today.

Call for death report of accused, Rituraj Rai [Tamang] @ Bokey, S/O Pritam Tamang of Lankapara T E, P M Line, PS- Birpara, District- Alipurduar.

The OC, Birpara Ps is directed to collect the death of above named deceased and produce the same before the Ld Court on 27.01.2022.

Ld P P in-charge Mr Narayan Ch Ghosh takes no step.

Fix 27.01.2022 for appear and death report of accused, Rituraj Rai [Tamang] @ Bokey by OC, Birpara PS.

Let a copy of order be sent to OC, Birpara PS for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 02.12.2021*

*Let a copy of order No.30 dt. 02.12.2021 be sent to OC, Birpara PS and  
superintendent, Birpara SG Hospital for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.65.  
dt. 01.12.2021.

*Today is fixed for evidence of doctor and IO.*

*Both the accused persons are present by filing hazira.*

*Ld P P in-charge Mr Debangshu Ghosh and Ld defence counsels are present hazira.*

*No PW is present.*

*Perused the record and find that the requisition of summons sent to the superintendent, Coochbehar District Hospital and SP, Alipurduar causing servicing upon the witnesses, Dr Subrata Halder IO, SI, Kamal Chandra Barman vide process No. 417 & 418 dt. 29.09.2021 but no SR is received.*

*The Superintendent of Coochbehar District Hospital is directed with request to keep mind that evidence of Dr Subrata Halder is very necessary, who conducted PM over the dead body and the SP, Alipurduar is also directed with request to secure attendance of SI, Kamal Chandra Barman before this Ld court on the date fixed, who is the IO of this case and it is a very old case.*

*Fix 16.02.2022 for evidence of doctor and IO.*

*Accused as before.*

*Issue summons accordingly.*

*Let a copy of this order be sent to Superintendent, Coochbehar Hospital and SP, Alipurduar along with fresh requisition of summons for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_ /F T C-II, dt. 01.12.2021*

*Let a copy of order No. 65 along with fresh requisition of summons be sent to*

Superintendent, Coochbehar Hospital and SP, Alipurduar for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No.343/2018**

Order No.18.  
dt. 30.11.2021

*Today is fixed for further cross-examination of PW1.*

*The petitioner, Smt Ratna Das is present by filing hazira.*

*The respondent files lawyer's hazira.*

*PW1, Smt Ratna Das is present on dock but on calls Ld Advocate for the respondent is found absent.*

*In this circumstances, the cross-examination of PW1 is closed.*

*Ld Advocate for the petitioner has 'not pressed' the evidence of one, witness, Sunati Das, although, she has filed affidavit in chief.*

*No other PW is present.*

*The case is adjourned today.*

*Fix **07.01.2022** for DW.*

*Both sides must come ready.*

*Dictated & corrected  
by me ;*

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

S/C. 268/2013  
GR Case No. 2832/12  
Kalchini PS Case No. 198/2012 dt.21.12.2012

Order No.61.  
dt. 26.11.2021.

Today is fixed for further evidence of IO on recall.

Out [4] accused persons, [3] accused person persons are present by filing hazira and one accused person, Sanju Barman is absent by petition and he is represented through his Ld Advocate u/s.317 of Cr P C.

Ld P P in-charge Mrs Srimoyee Ghosh Majumder and Ld defence counsels are present hazira.

No PW is present.

Perused the record and find that IO, SI, Rinchen Lama Bhutia is now posted as Inspector, IB, Siliguri.

The commissioner ate, Siliguri is directed with request to secure attendance of inspector, SI, Rinchen Lama Bhutia before this Ld court on the date fixed.

Fix **24.01.2022** for evidence of IO.

All accused persons must be present.

Issue summons accordingly.

Let a copy of order along with fresh summons be sent to Commissioner ate Siliguri for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 26.11.2021*

*Let a copy of order No. 61 along with fresh summons be sent to Commissioner ate,  
Siliguri for information and compliance*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 142/2015*

*Order No.49,  
dt. 26.11.2021.*

*Today is fixed for evidence.*

*Accused, Bishnu Mohanta on CB is absent by petition and he is represented through his  
Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge Mr Narayan Ch Ghosh takes no step.*

*No PW is present.*

*Perused the record and find that the prosecution produces as many as three witnesses  
including the informant and injured but none of them has supported to the prosecution case.*

*In this circumstances, the evidence is closed on the side of the prosecution.*

*Fix 03.12.2021 for examination of the accused person u/s. 313 Cr P C, D/W if any,  
argument.*

*Dictated & corrected*

by me ;

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_ /F T C-II, dt. 25.11.2021*

*Let a copy of order No.64 dt. 25.11.2021 be sent to OC, Birpara PS and  
superintendent, Birpara SG Hospital for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Criminal Revision No.38/2021*

Order No. 3.  
dt. 25.11.2021.

*Today is fixed for hearing of the stay petition.*

*Petitioner, files hazira.*

*OP No. 1, Smt Nipa Das is present and files her written objection supported by an affidavit.*

*Copy served.*

*Perused the record that find that the notice has not been served to the State of West Bengal.*

*The petitioner is hereby directed to files requisition for causing servicing upon the OP No. 2, State of West Bengal.*

*In this circumstances, the case is adjourned today.*

*Fix **16.12.2021** for appearance & hearing.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

S/C. 168/2013  
GR Case No. 229/13  
Birpara PS Case No. 13/2013 dt.04.02.2013

Order No.64,  
dt. 25.11.2021.

Today is fixed for further evidence.

Accused, Bijay Kharia on CB is present by filing hazira.

Ld P P in-charge Mr Basudeb Das files hazira.

No PW is present.

Return the SR and it appears that the summons duly served upon the witnesses, namely, Rabi Lohar, Sankar Oraon & Dr Snehasish Chakraborty but they have not turned up before the Ld court. No any prayer has been made by Ld prosecution on behalf of them.

In this circumstances, issue bailable warrant against the above said witnesses for Rs. 500/- to secure their attendance before the Ld court.

Further seen the SR, it appears the witness, Sunita Kharia is out of State and no whereabouts is known and one witness, Ramesh Tirkey is no more in the world who died on 23.03.2019.

In this circumstances, the names of both the witnesses, Sunita Kharia and Ramesh Tirkey be expunged in the name of the charge-sheet.

The OC, Birpara PS is hereby directed to execute warrant and submits the compliance report on the date fixed.

The Superintendent of Birpara SG Hospital is directed to secure the attendance of Dr. Snehasish Chakraborty before the Ld court and further directed to appear himself personally before the Ld court on the date fixed.

Fix **21.12.2021** for report & evidence.

Issue summons accordingly.

Let a copy of order be sent to OC, Birpara PS and superintendent, Birpara SG Hospital for information and compliance.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_ /F T C-II, dt. 25.11.2021

Let a copy of order No.64 dt. 25.11.2021 be sent to OC, Birpara PS and superintendent, Birpara SG Hospital for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 184/2019  
GR Case No. 611/19  
Samuktala PS Case No. 100/19 dt.18.04.2019

Order No.12.  
dt. 25.11.2021.

Today is fixed for evidence of CSW No. 1.

UTP, accused, Ajay Lohar is not produced from correctional home today.

Ld P P files hazira.

Seen a report submitted by Superintendent Alipurduar correctional home, it appears that UTP, accused, Ajay Lohar is under treatment and he is admitted Alipurduar District Hospital. So, he is not produced before the Ld court.

Considered.

The case is adjourned today.

Superintendent, Alipurduar District correctional Home is hereby directed to produce the accused person on the date fixed along with medical paper.

Fix **07.02.2022** for production and evidence of CSW No. 1.

Issue summons accordingly.

Let a copy of order be sent to superintendent, Alipurduar District Correctional Home for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 24.11.2021

Let a copy of order No.12 dt. 25.11.2021 be sent to Alipurduar District Correctional Home for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No.212/2018**

Order No.21,  
dt. 24.11.2021

Today is fixed for hearing on the petit  
dt. 11.11.2019 filed by the respondent.

The petitioner and the respondent file respective haziras through their Ld  
Advocates.

Heard Ld Lawyers of both sides.

Perused the petition dt. 11.11.2019 filed by the respondent stating that the cause  
title as mentioned section 13A of the H M Act which is not at all contain any relief. So,  
the instant suit is not maintainable.

Considered.

Perused the main petition and find that the ground stated therein torture and  
cruelty. So, the instant suit be maintainable having sufficient cause of action. It cannot  
be dismissed on account of error of cause title.

The petitioner is given an opportunity to rectify the cause title by way of  
amendment.

Fix **25.01.2022** for cross-examination of PW1.

Both sides must come ready.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

S/C. 69/2016  
GR Case No. 2552/15  
Falakata PS Case No. 753/15 dt.06.09.2015

Order No.22.  
dt. 24.11.2021.

*Today is fixed for production and charge.*

*UTP, accused, Ananda Roy is not produced from correctional home today.*

*Ld P P in-charge, Shri Basudeb Das files hazira.*

*Received a report from superintendent, Berhampore correctional Home, through Alipurduar correctional home, it appears that UTP, Ananda Roy is not mentally fit and he is under treatment. So, he is not produced before the Ld court.*

*Considered.*

*The case is adjourned today.*

*Fix **03.02.2022** for production and submission of medical report.*

*Let a copy of order be sent to superintendent, Berhampore Correctional Home through Alipurduar Correctional Home for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 24.11.2021*

*Let a copy of order No.22 dt. 24.11.2021 be sent to superintendent, Berhampore Correctional Home through Alipurduar Correctional Home for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 260/2018  
GR Case No. 2312/17  
Samuktala PS Case No. 322/17 dt.10.125.2017

Order No.23.  
dt. 24.11.2021.

*Today is fixed for production and charge.*

*UTP, accused, Thakur Prasad Bhattarai is not produced from correctional home today.  
Ld P P files hazira.*

*Received a report from superintendent, Berhampore correctional Home, through Alipurduar correctional home, it appears that UTP, Thakur Prasad Bhattarai is not mentally fit and he is under treatment. So, he is not produced before the Ld court.*

*Considered.*

*The case is adjourned today.*

*Fix **03.02.2022** for production and submission of medical report.*

*Let a copy of order be sent to superintendent, Berhampore Correctional Home through Alipurduar Correctional Home for information and compliance.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.\_\_\_\_\_/F T C-II, dt. 24.11.2021*

Let a copy of order No. 23 dt. 24.11.2021 be sent to superintendent, Berhampore Correctional Home through Alipurduar Correctional Home for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 79/2017  
GR Case No. 733/21  
Alipurduar PS Case No. 138/21 dt.05.05.2021

Order No. 8.  
dt. 23.11.2021.

Record is put up by order of put up petition.

The petitioner, Chiranjit Roy files a petition with praying to return the seized vehicle being No. WB 70 H 7275.

Copy served.

Heard both sides. Considered.

Call for report from Alipurduar PS in connexion with seized vehicle being No. WB 70 H 7275 which was seized on 15.07.2021

Todate, i.e., **16.12.2021** for report.

Let a copy of order be sent to IC, Alipurduar PS for his information and action

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 23.11.2021

Let a copy of order No.8 dt. 23.11.2021 be sent to IC, Alipurduar PS for his information and action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 200/2012

Order No. 62.  
dt. 23.11.2021

*Today is fixed for appearance, ER of WA and evidence.*

*All [4] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Basudeb Das and Ld de fence counsel are present.*

*IO, SI, Smt Kalsang Khema Sherpa is present and she has adduced her evidence as PW7. She has formal proof the endorsement on the written complaint as marked Exbt-1/2, rough sketch map along with index marked Exbt-10 and Memo of arrest of accused, Bhola Bagchi as marked Exbt-12.*

*No more witness is present.*

*Ld prosecution submits with a petition that the witness, Smt Kalsan Khema Sherpa is a warrantee and her evidence has been completed. So, she may be released on furnishing PR bond.*

*Considered.*

*The witness, smt SI, Kalsang Khema Sherpa is hereby released on furnishing PR bond of Rs. 1,000/- with caution to comply the court's order as and when ask for.*

*The next date, i.e., on 21.12.2021 is fixed for examination of the accused persons u/s 313 of Cr P C.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

MACC 19/2010

Order No. 58.  
dt. 23.11.2021.

*Today is fixed for appearance of OC, Birpara PS and report.*

*The petitioner and OP No. 1 & 2 file respective haziras through their Ld Advocates.*

*OC, Birpara PS, namely, SI, Prem Kumar Thami is not present.*

*ASI, B P Lama is present with a report without authorization letter.*

*On perusal of record, I find that last date, i.e., 30.09.2021 Ld court was pleased to direct the OC, Birpara PS appear personally but today he has avoided to appear before the Ld court and no written explanation has been submitted before the court as why he cannot appear before the Ld court.*

*In this circumstances, SDPO, Alipurduar is directed to secure attendance of the OC, Birpara Ps before the court on **25.11.2021** with a written explanation for non-compliance of court's order.*

*Let a copy of the order be handed over to ASI, BP Lama for servicing upon the OC, Birpara PS.*

*Fix **25.11.2021** for appearance of OC, Birpara PS along with written explanation.*

*Let a copy of the order be handed over to ASI, BP Lama for servicing upon the OC, Birpara PS & SDPO, Alipurduar.*

*Dictated & corrected  
by me ;*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 23.11.2021*

*Let a copy of order No.58 dt. 23.11.2021 be handed over to ASI, BP Lama for servicing upon the OC, Birpara PS & SDPO, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 139/2013  
GR Case No. 2299/12  
Samuktala PS Case No. 289/12 dt.09.10.2012*

*Order No. 79.  
dt. 22.11.2021.*

*Today is fixed for evidence of victim girl, Ranju Oraon.*

Accused, is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Mr Arun Ganguly and Ld defence counsel are present.

No PW is present.

Perused the record and find that the Ld court was pleased to direct the IC Alipurduar with request to serve the copy of order being 75 dt. 03.03.2021 passed by this court, to IO, SI, Praveen Pradhan, previously posted at Samuktala PS on 28.04.2013 with direction to secure attendance of victim girl, Ranyu Oraon along with an interpretor of mentally retarded school, Birpara, Alipurduar.

This order was communicated to IC, Alipurduar PS vide M 150 dt. 06.03.2021.

Due to prolonged pandemic of covid-19 this order being No.75 dt. 03.03.2021 has not been complied with by IC, Alipurduar PS.

So, IC, Alipurduar PS is hereby directed to serve this copy of order to SI, Praveen Pradhan for his information and compliance.

Fix **20.01.2022** for evidence of victim girl, Ranju Oraon.

Accused must be present.

Let a copy of order be sent to IC, Alipurduar for information and compliance.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/F T C-II, dt. 22.11.2021

Let a copy of order No.79 dt. 22.11.2021 be sent to IC, Alipurduar for information and compliance

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Misc Case No. 5/2007

Order dt. 20.11.2021.

*Today is fixed for hearing.*

*Petitioner, Shibu Saha files a time petition and respondent, Kalpana Bhattacharjee & others file lawyer's hazira.*

*Heard the time petition.*

*Considered and allowed.*

*Ld conducting Advocate of Misc case frankly submits that the cause tile of misc case wrongly pressed in place of the petitioner's name would be Dipak Ranjan Bhattacharjee and the respondent/OP's name would be Shibu Saha. Subsequently, Dipak Ranjan Bhattacharjee died and his legal heir Smt Kalpana Bhattacharjee, Dipanjan Bhattacharjee & Nilanjan Bhattacharjee are not substituted in this Misc case.*

*The petitioner of the Misc case is directed to rectify the above said anomaly/error by way of amendment.*

*Fix **17.12.2021** for step.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**Title Appeal No. 9/2007**

*Today is fixed for hearing.*

*Appellant, Shibu Saha files a time petition and the respondents file Lawyer's hazira.*

*Heard the time petition. Considered and allowed.*

*In view of Misc case, this appeal be kept in abeyance.*

Todate [17.12.2021] for further order.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.11.2021

Let a copy of order No.32 dt. 20.11.2021 be sent to Ld Public Prosecutor for information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Criminal Appeal No. 12/20216

Order No. 32,  
dt. 20.11.2021.

Today is fixed for hearing.

Appellant, Gopal Ghosh is present by filing hazira.

Ld Advocate for the appellant, Saurav Ganguly files a time petition on his personal ground.

Ld P P in-charge,takes no step.

On perusal of the record and find that Ld P P in-charge, Mr Debangshu Ghosh is absent since long time without step.

Ld Public Prosecutor, is requested to look into the matter and appoint a new Panel PP for representing on behalf of the state in place of Mr Debangshu Ghosh.

Fix **19.01.2022** for hearing.

Let a copy of order be sent to Ld Public Prosecutor for information and necessary action.

Dictated & corrected  
by me ;

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,

Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.11.2021

Let a copy of order No.32 dt. 20.11.2021 be sent to Ld Public Prosecutor for information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 191/2017  
GR Case No. 823/96  
Jaigaon PS Case No. 109/96 dt.27.11.1996

Order No. 39.  
dt. 20.11.2021.

Record is taken up for passing order on the petition dt. 16.10.2020.

The petitioner, Amar Dorjee takes no step.

Ld P P in-charge, Mr Rajib Sutradhar takes no step. He is absent without step.

Seen a report submitted by Jaigaon PS, it appears that Amar Dorjee is elder brother of Anar Dorjee.

Amar Dorjee and Anar Dorjee are not same and identical person.

Further perused the charge-sheet it appears that Anar Dorjee is accused in this case and the IO submitted charge-sheet against Anar Dorjee. But mistakenly, warrant was issued against Amar Dorjee.

To avoid the future complication, recall WA against Amar Dorjeel and issue fresh WA against accused, Anar Dorjee.

Fix 31.01.2022 for ER of WA against the accused, Anar Dorjee.

Dictated & corrected  
by me ;

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.11.2021

Let a copy of order No.20 dt. 20.11.2021 be sent to OC, Samuktala PS, Alipurduar for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 238/2019  
GR Case No. 1166/19  
Samuktala PS Case No. 159/19 dt.29.06.2019

Order No. 20.  
dt. 20.11.2021.

*Today is fixed for evidence.*

*Accused, Som Tudu is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge, Mrs Gopa Kundu and Ld defence counsel are present.*

*No PW is present.*

*Perused the record and find that the evidence of PW4, Stifen Soren is deferred for want of seized alat.*

*OC, Samuktala PS is hereby directed to produce the seized alat in connexion with this case on 19.01.2022.*

*Issue summons upon the witness immediately Stifen Soren.*

*Fix 19.01.2022 for evidence.*

*Let a copy of order be sent to OC, Samuktala PS, Alipurduar for information and compliance.*

*Dictated & corrected  
by me ;*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 20.11.2021*

*Let a copy of order No.20 dt. 20.11.2021 be sent to OC, Samuktala PS, Alipurduar for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No. 34,  
dt. 11.11.2021.

Today is fixed for appearance of SI, Nirmal Barman and evidence.

Accused persons are absent by petition and they are represented through their Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge, Mr Babul Saha and Ld defence counsel are present.

No PW is present.

SI, Nirmal Barman is present with carrying a report along with some documents.

SI, Nirmal Barman submits that he has no objection in returning the seized vehicle having registration No. BP-01/0891 to the power of attorney holder, namely, Anit Chhetri, S/O Raj Kumar Chhetri of Khokla busti, PS – Jaigaon , District- Alipurduar.

Considered the report, I think that there is no bar to return the seized vehicle.

Hence, the seized vehicle being No. BP-01/0891 is to be returned to the owner, Mrs Chaden or the power of attorney holder, namely, Anit Chhetri on furnishing the PR bond of Rs. 10,00000/- [Rupees Ten Lac] only with condition not to change the nature and character of the vehicle and produce the same as and when call for.

The OC, Jaigaon PS is hereby directed to comply this order with proper verification and identification and submit the report before this Ld court by **24.01.2022**

Fix **24.01.2022** for report from OC, Jaigaon PS and further evidence of PW1

Issue summons accordingly,

Accused as before

Let a copy of order be sent to OC, Jaigaon PS, Alipurduar for information and compliance.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt.

Let a copy of order No.34 dt. 11.11.2021 be sent to OC, Jaigaon PS, Alipurduar for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Criminal Revision No.38/2021**

Order No.2,  
dt. 17.11.2021

*Today is fixed for hearing of stay petition.*

*Petitioner files Lawyer's hazira.*

*After hearing the stay petition, Ld Advocate for the OP No. 1, Smt Nipa Das is appeared and submits before the Ld court that yesterday, one time petition was filed before the Ld court of Additional District Judge, Alipurduar with vakalatnama. But no reflection is being made in the order sheet.*

*However, today the OP No. 1, Smt Nipa Das files one time petition with praying to file written objection against the stay petition. Copy served.*

*Considered. Prayer for time is allowed.*

*Fix **25.11.2021** for hearing the stay petition and in the mean time file W/O if any.*

*Both sides must come ready.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Criminal Appeal NO. 4/2018*

*Order No.4.*  
*dt. 16.11.2021*

*Today is fixed for hearing.*

*Neither the appellant nor the respondent take step.*

*On repeated calls, the appellant and respondent are found absent.*

*None appears on behalf of them.*

*Perused the record that find that the appellant takes no step on the last date also.*

*In this circumstances, I think that the appellant is not interested to proceed the instant appeal.*

*Hence,*

*it is  
ordered :*

*that the revision being Criminal appeal No. 04/2021 be and same is dismissed for default.*

*Let a copy of order along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

S/C. 210/2012

GR Case No. 1474/12

Falakata PS Case No. 230/12 dt. 02.07.2012

Order No. 85.  
dt. 16.11.2021.

*Today is fixed for appearance of Superintendent of Birpara State General Hospital, Alipurduar and Superintendent, Falakata Rural Hospital, Alipurduar and evidence of doctor.*

*Out of [5] accused persons, [4] accused persons are present and one accused person, Sushil Das is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge as Ld defence counsel are present.*

*On calls neither superintendent Birpara S G hospital, Alipurduar nor the superintendent, Falakata Rural Hospital, Alipurduar is present.*

*No doctor witness, namely, Dr Saikat Rana & Dr Samir Pain and Dr Abhishek Naha are present.*

*Ld P P in-charge, Mr Dulal Ghosh submits that superintendent as well as the doctors are avoiding to comply the court's order in spite of they have aware the court's order. So, necessary order may be passed.*

*Considered the submission of Ld prosecution, I have gone through the record and find that on the last date, i.e., 24.09.2021 Ld court was pleased to direct the superintendents of Birpara S G hospital, Alipurduar and Falakata Rural Hospital, Alipurduar to appear personally or to secure the attendance of respective above named doctor witnesses, namely, Dr Saikat Rana and Dr Samir Pain and Dr Abhishek Naha positively for their evidence. The said court's order has been served to the superintendent of respective hospitals on 12.011.2021 vide D R No.5497. One assistant superintendent of Birpara S G Hospital, Alipurduar informed to this court that that Dr Samir Pain & Dr Saikat Rana have been transferred from Birpara Hospital. This*

information is not sufficient for this court and it is merely violating the court's order.

The superintendents of the respective hospitals have sufficient knowledge the whereabouts of above named doctors and they have liability to inform them to appear before the Ld court.

Under the above circumstances, both the Superintendents of Birpara S G Hospital, Alipurduar and Falakata Rural Hospital, Alipurduar are directed to file show-cause as why the legal proceeding has not been started against them for non-compliance of court's order.

Fix 17.12.2021 for appearance and filing written show-cause by the superintendents of Birpara S G Hospital, Alipurduar & Falakata Rural Hospital, Alipurduar.

Let a copy of order be sent to the Superintendent, Birpara S G Hospital, Alipurduar & Falakata Rural Hospital, Alipurduar for information and compliance.

Dictated & corrected  
by me.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 16.11.2021

Let a copy of order No.85 dt. 16.11.2021 be sent to the Superintendent, Birpara S G Hospital, Alipurduar & Falakata Rural Hospital, Alipurduar for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 68/2019

Criminal Appeal NO. 4/2018

Order No.4.  
dt. 16.11.2021

Today is fixed for hearing.

Neither the appellant nor the respondent take step.

On repeated calls, the appellant and respondent are found absent.

None appears on behalf of them.

Perused the record that find that the appellant takes no step on the last date also.

In this circumstances, I think that the appellant is not interested to proceed the

*instant appeal.*

*Hence,*

*it is  
ordered :*

*that the revision being Criminal appeal No. 04/2021 be and same is dismissed for default.*

*Let a copy of order along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 08.11.2021*

*Let a copy of order No.4 dt. 16.11.2021 along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 168/16**

Order No. 106.  
dt. 16.11.2021.

Today is fixed for appearance and examination of accused persons u/s. 313 of Cr P C.

All [3] accused persons on CB are present by filing hazira.

Ld P P in-charge as well as Ld Defence counsel are present.

Perused the record with carefully and find that examination of the accused persons u/s. 313 of Cr P C has been completed on 21.12.2019 so further examination u/s. 313 of Cr P C of the accused persons is not required.

Hence, the case is adjourned today.

Fix **16.12.2021** for argument.

All accused persons must be present.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Mat Suit No.39/2019**

Order No.19.  
dt. 15.11.2021

Today is fixed for cross-examination of PW1.

Petitioner & OP file respective haziras through their Ld Advocates.

On calls neither the petitioner nor the OP is found present. None appears on behalf of them.

No PW is present.

No any prayer is being made on behalf of the petitioner or the OP to avail the cross-examination of PW1.

In this circumstances.

Hence,

it is  
ordered :

that the petitioner is hereby directed to file show-cause as why the instant mat suit shall not be dismissed for non-production of witness.

Fix 25.11.2021 for Show-cause.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

S/C. 01/2009  
G R Case No. 36/1997  
Kalchini PS Case No. 5/97 dt. 07.01.1997

Order No.86,  
dt. 15.11.2021.

Today is fixed for evidence.

Both the accused persons, namely, Nirmal Kharia & Ganga Rabi Das on CB absent without step.

Ld P P in charge is present.

At this stage Ld Advocate, namely, Smt Gopa Kundu for the accused persons frankly submits that she has lost her contact with the accused persons and accordingly, she is not in a position to submit anything before this court in respect of the accused persons.

Heard. Considered.

Issue WA against both the accused persons, namely, Nirmal Kharia & Ganga Rabi Das.

Fix \_\_\_\_\_ for ER of WA.

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**S/C. 174/11**

Order No. 106.  
dt. 10.11.2021.

*Today is fixed for appearance and examination of accused persons u/s. 313 of Cr P C.*

*All [3] accused persons on CB are present by filing hazira.*

*Ld P P in-charge as well as Ld Defence counsel are present.*

*Perused the record with carefully and find that examination of the accused persons u/s. 313 of Cr P C has been completed on 21.12.2019 so further examination u/s. 313 of Cr P C of the accused persons is not required.*

*Hence, the case is adjourned today.*

*Fix **16.12.2021** for argument.*

*All accused persons must be present.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,*

*Addl. Sessions Judge,*

**Mat Suit No.311/2018**

*Record is taken up for passing order.*

*Petitioner files hazira through her Ld Advocate.*

*Perused the petition dt. 01.10.2021 filed by the petitioner, Rituparna Paul with support by an affidavit. By the instant application, the petitioner has sought permission for withdraw the instant case against the OP/husband, Sourav Sarkar on the ground inter alia that the subject matter has been settled out of the court and the parties are willing to reside together peacefully.*

*Considered the above order.*

*Hence,*

*it is  
ordered :*

*that the petitioner is hereby permitted to withdraw this suit against the OP without liberty to file fresh suit.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

Order No. 25,  
dt. 09.11.2021.

*Today is fixed for appearance and order.*

*Accused, Rajen Lohar on CB is present by filing hazira.*

*Accused, Gobin @ Bhotey Dorjee is absent without step.*

*Issue WA against accused, Gobin @ Bhotey Dorjee.*

*One warrantee accused, Raju Rava is in custody by Jaldapara Forest Range in connexion with CR case No. 90/2018 u/s. 51 of W L P Act.*

*Issue Production Warrant against the accused, Raju Rava.*

*The Superintendent, Alipurduar Correctional Home is hereby directed to produce the accused, Raju Rava on 23.12.2021 before the undersigned Ld Court.*

*Fix **23.12.2021** for appearance and ER of WA against the accused, Gobin @ Bhotey Dorjee & Raju Rava.*

*Let a copy of order be sent to the Superintendent, Alipurduar District Correctional Home for information and compliance.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 09.11.2021*

*Let a copy of order No.25 dt. 09.11.2021 be sent to the Superintendent, Alipurduar District Correctional Home for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 68/2019

Order No. 14,  
dt. 09.11.2021.

*Today is fixed for appearance and death report.*

*All [15] accused persons on CB are present by filing hazira.*

*Perused the record that find that one death certificate of accused, Paritosh Shil is lying in the record who died on 09.09.2019.*

*Let the death certificate of accused, Paritosh Shill is accepted and his name is expunged from the list of charge-sheet.*

*Fix **23.12.2021** for appearance & charge.*

*All accused persons must be present.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No.388 /F T C-II, dt. 04.10.2021*

*Let a copy of order No.36 dt. 04.10.2021 be sent to OC, Samuktala PS for  
information and compliance*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Criminal Revision No.31/2021**

Order No.5.  
dt. 08.11.2021

Record is put up by order of a put up petition filed by the revisionist.  
Ld Advocate for the revisionist also files a petition to withdraw the present criminal revision on the grounds stated therein.

Copy served.

Ld Addl. P P also files hazira and raised no objection against the petition filed by the revisionist.

Heard. Considered.

In this circumstances, I think that the revisionist is not interested to proceed the instant revision.

Hence,

it is  
ordered :

that the revision being Criminal revision No. 31/2021 be and same is withdrawn without liberty to file fresh sue and accordingly, disposed of.

Let a copy of order along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action

Dictated & corrected  
by me ;

Sd/-

Sd/-

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 08.11.2021

Let a copy of order No.5 dt. 08.11.2021 along with LCR be sent to the Ld court of Ld ACJM, Alipurduar for information and necessary action

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Mat Suit-204/2021*

*Order No.3,  
dt. 08.11.2021*

*Record is put up by order of a put up petition.*

*Ld Advocate for the respondent is present and submitted a certified copy of order in IA No. 117551/2021-Stay Application of Hon'ble Supreme Court of India.*

*Copy served.*

*Heard. Considered.*

*Perused the order of Hon'ble Supreme Court of India.*

*Hence,*

*it is  
ordered :*

*that the further proceeding of the instant suit[Matrimonial Suit No.204/2021] titles as "Rish Sarawgi Vs. Soni Barnal" pending in this court shall remain stayed.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

S/C. 79/21

Order No.03,  
dt. 08.10.2021.

*Today is fixed for production and bail hearing.*

*Accused, Dipak Barman, Manik Barman & Prasenjit Roy are produced from JC and they are taken into custody.*

*Accused, Subodh Roy on CB is present by filing hazira.*

*Ld P P in-charge, Mr Basudeb Das and Ld defence counsel are present.*

*The bail petition on behalf of accused persons, namely, Dipak Barman, Manik Barman & Prasenjit Roy is rejected on being not pressed.*

*Fix **09.11.2021** for production and appearance.*

*All the [3] accused persons, namely, Dipak Barman, Manik Barman & Prasenjit Roy are further sent to JC till 09.11.2021.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 69/16  
GR Case No. 2552/15  
Falakata PS Case No. 753/15 dt. 06.09.2015

Order No. 21.  
dt. 07.10.2021.

*Received a letter vide No. 1579/1/AB dt. 07.10.2021 from Superintendent Alipurduar District Correctional Home, it appears that accused, Ananda Roy is unfit to stand for trial and attending doctor, Srinath Santra advised to shift him to Berhampore Central Correctional Home for his treatment at Berhampore Mental Hospital.*

*Considered.*

*The Superintendent, Alipurduar District Correctional Home is hereby permitted to shift the ailing accused, Ananda Roy to Berhampore Central Correctional Home for his better treatment at Berhampore Mental Hospital.*

*Todate [24.11.2021] for report.*

*Let a copy of order be sent to the Superintendent, Alipurduar District Correctional Home for information and compliance.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 07.10.2021

Let a copy of order No.21 dt. 07.10.2021 be sent to the Superintendent,  
Alipurduar District Correctional Home for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Criminal Appeal-09/2010

Order No.25.  
dt. 05.10.2021

Today is fixed for hearing of the instant criminal appeal.

The Appellant, Rameswar Paswan & Prakash Roy take no step.

On repeated calls they are found a

Perused the record that find that the instant appeal has been filed on 08.07.2010  
and since then a series of dates were fixed for hearing by the appellants took time on  
different plea.

In this circumstances, I think that the appellants are not interested to proceed  
the instant appeal.

Hence,

it is  
ordered :

that the appeal being Criminal Appeal No. 09/2010 be and same is dismissed for  
default.

Let the LCR be returned to the Ld court below of action.

Dictated & corrected  
by me ;

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

**Later :**  
**dt. 05.10.2021**

*After passing order Ld Advocate for the appellants files a put up petition along with a petition stating inter alia that the date of the instant suit is mistakenly posted in our diary and as a result of which the appellants could not take step and accordingly, the suit is dismissed for default and hence, prays for restoration of order passed earlier on 05.10.2021.*

*Considered.*

*The order dt. 05.10.2021 is hereby recalled and the instant suit be restored and will proceed in its own course.*

*To **09.11.2021** for hearing of the instant appeal.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_/F T C-II, dt. 05.10.2021

Let a copy of order No.25 dt. 05.10.2021 along with LCR be returned to Ld court below for information.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 216/17  
GR Case No. 554/03  
Jaigaon PS Case No. 70/03 dt. 01.10.2003

Order No. 3,  
dt. 08.11.2021.

Today is fixed for appearance & ER of WA.

Accused, Dembu Oraon on CB is present by filing hazira and files a petition to extend his interim bail.

Prayer is considered and allowed till 13.01.2022.

Accused, Kendra Oraon & Kumar Rava are absent by petition.

No ER of WA has been received against the accused, Rajesh Lohar, S/O Bhagu Lohar of Jayanti T G, PS – Samuktala, Alipurduar.

Accordingly, OC, Samuktala PS is hereby directed to execute the warrant against the accused, Rajesh Lohar.

Fix **13.01.2022** for appearance & ER of WA.

Let a copy of order be sent to OC, Samuktala PS for information and compliance.  
Todate.

Dictated & corrected  
by me.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. 388 /F T C-II, dt. 04.10.2021

Let a copy of order No.36 dt. 04.10.2021 be sent to OC, Samuktala PS for information and compliance

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 216/17  
GR Case No. 554/03  
Jaigaon PS Case No. 70/03 dt. 01.10.2003

Order No. 36.  
dt. 04.10.2021.

Today is fixed for appearance & ER of WA.

Accused, Dembu Oraon on CB is present by filing hazira and files a petition to extend his interim bail.

Prayer is considered and allowed till 13.01.2022.

Accused, Kendra Oraon & Kumar Rava are absent by petition.

No ER of WA has been received against the accused, Rajesh Lohar, S/O Bhagu Lohar of Jayanti T G, PS – Samuktala, Alipurduar.

Accordingly, OC, Samuktala PS is hereby directed to execute the warrant against the accused, Rajesh Lohar.

Fix **13.01.2022** for appearance & ER of WA.

Let a copy of order be sent to OC, Samuktala PS for information and compliance.  
Todate.

Dictated & corrected  
by me.

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. 388 /F T C-II, dt. 04.10.2021

Let a copy of order No.36 dt. 04.10.2021 be sent to OC, Samuktala PS for information and compliance

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 236/17

Order No. 27,  
dt. 29.09.2021.

*Today is fixed for death report.*

*Accused, Pravat @ Biren Dey is absent by petition.*

*Ld P P in-charge files hazira.*

*Perused the death certificate issued by Sub-Registrar birth & death of Gram Panchayet Banerhat-I, it appears that accused, Subal Dey Sarkar @ Subal Chandra Sarkar died on 04.09.2018.*

*Considered.*

*Let the name of accused, Subal Chandra Sarkar@ Subal Dey Sakar be expunged from the charge-sheet.*

*DA to note.*

*Fix 17.01.2022 for evidence of CSW No. 2 & 3.*

*18.01.2022 " " Nos.4 & 7,*

*19.01.2022 " " Nos. 8 & 9.*

*Issue summons accordingly.*

*Prosecution to take step.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Criminal Appeal-12/211

Order No.8.  
dt. 29.09.2021

*Today is fixed for hearing.*

*The Appellant, chandan Das takes no step.*

*On calls neither the appellant nor his conduction Ld Advocate is present.*

*Perused the record that find that the appellant is absent since long day.*

*Under the above circumstances, I think that the appellant is not willing to proceed the instant appeal.*

*Hence,*

*it is  
ordered :*

*that the appeal being Criminal Appeal No. 12/2011 be and same is dismissed for default.*

*Let the LCR be returned to the Ld court below.*

*Dictated & corrected  
by me ;*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 29.09.2021*

*Let a copy of order No.8 dt. 29.09.2021 along with LCR be returned to Ld court below for information.*

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 200/12  
G R case No. 2619/2011  
Alipurduar PS case No. 694/11 dt. 03.12.2011

Order No. 61,  
dt. 29.09.2021.

*Today is fixed for appearance of SI, Nayan Das along with his explanation.*

*All [4] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Basudeb Das as well Ld Defence counsel, are present.*

*SI, Nayan Das is present and submits a written explanation that the warrantee witness, Smt Kalsang Khema Sherpa has been transferred to Siliguri as CDPO before few years ago.*

*SI, Nayan Das further informed to this court that the said warrantee witness is on maternity leave on contact with her over phone.*

*Perused the record and find that a series of dates have been fixed for attendance of the warrantee witness, SI, Smt Kalsang Khema Sherpa before this Ld court, who is the IO of this case and her evidence is very necessary for proper adjudication of this case. But the said witness could not turn up before the Ld court and having no alternative, issued WA on 14.06.2019 and since then she is avoiding to execute warrant against herself.*

*SI, Nayan Das of Madarihat PS is hereby directed to go to Siliguri and execute the warrant against the said witness, Ex-SI, Smt Kalsang Khema Sherpa and submits the compliance report before this Ld court on 23.11.2021 positively.*

*The SP, Alipurduar as well as Commissioner of Police of Siliguri are directed with request to give permission to SI, Nayan Das of Madarihat PS for compliance the above said court's order.*

*Let a copy of order be handed over to SI, Nayan Das of Madarihat PS for his information and compliance and another copy be sent to SP, Alipurduar and Commissioner of Police of Siliguri for their information and action.*

*Accused as before.*

*Dictated & corrected  
by me ;*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 05.04.2021*

*Let a copy of order No. 61 dt. 29.09.2021 be handed over to SI, Nayan Das of Madarihat PS for his information and compliance and another copy be sent to SP, Alipurduar and Commissioner of Police of Siliguri for their information and action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

MACC Exe. NO.05/2019

Order No.14,  
dt. 29.09.2021

*Today is fixed for order.*

*Decree Holder files a verified petition stating that the awarded amount along with interest has been deposited from the Judgement debtor through cheque in the main suit being MACC No. 5/2016 and prays the instant execution case may be disposed of with full satisfaction.*

*Considered.*

*In this circumstances,*

*it is  
ordered :*

*that the instant MACC Exe. Case No. 05/2019 be and same is hereby disposed of with full satisfaction.*

*D/A to note.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

**INDEX**

Sl. No.	Case No.	Date of Delivery of judgment	Page
1	Mat Suit No. 172 of 2015	20.01.2021	1 to 11
2	Title Appeal No. 28 of 2016	11.02.2020	1 to 15
3	Other Appeal No. 19 of 2011	22.09.2020	1 to 17
4	Title Appeal No. 08 of 2019	23.12.2019	1 to 19
5	Title Appeal No.46 of 2019	30.11.2019	1 to 19

**[5] CRIMINAL CASES**

**INDEX**

Sl No.	Case No.	Date of Delivery of Judgment	Page
1	Sessions Case No. 08(06)2015 Sessions Trial No. 56 of 2016	10.02.2020	1 to 57
2	Sessions Case No. 06(03)2016 Sessions Trial No. 96 of 2016	02.03.2020	1 to 66
3	Sessions Case No. 19(08)2015 Sessions Trial No. 99 of 2016	19.09.2020	1 to 40
4	Sessions Case No. 06(12)2015 Sessions Trial No. 14 of 2016	29.09.2020	1 to 38
5	Sessions Case No. 34(05)2017 Sessions Trial No. 10 of 2017	01.10.2020	1 to 24

*Submitted by me ;*

*[Anil Kumar Prasad],  
Addl. Dist. & Sessions Judge,  
FTC-II, Alipurduar, Jalpaiguri.*

Title Appeal-05/19

Order No.5.  
dt. 03.09.2021

*Today is fixed for order.*

*Appellant & Respondent file separate haziras through their Ld Advocates.*

*Ld Advocate for the respondent pointed out with a petition that his WS lying in the record but it has not reflected in the order sheet and further prays the WS may be accepted.*

*Considered.*

*WS filed by the respondent dt. 20.03.2021 be accepted.*

*Fix **01.12.2021** for hearing of appeal.*

*Both parties must come ready.*

*Dictated & corrected  
by me.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

Spl. Case No. 67/2021

Order No.3,  
dt. 27.09.2021

*Today is fixed for production of accused and report of IO in a final form.  
Accused, Gautam Rotia is produced from JC.  
No report is report from the IO in final form.  
A bail application is filed on behalf of accused, Gautam Rotia.  
Spl. P P, Mr S Bhowmick files hazira.  
Ld Advocate for the accused person submits that the bail application may be  
fixed for hearing on tomorrow, i.e., on 28.09.2021.  
Ld Spl. P P Mr P Dutta, submits that no CD is present.  
So, Call the CD.  
Considered.  
Fix **28.09.2021** for production and bail hearing and call for CD.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
Alipurduar, In-charge.*

*Addl. Sessions Judge,  
Alipurduar, In-charge.*

**Spl. Case No. 76/2021**

Order No.3,  
dt. 27.09.2021

*Today is fixed for production of accused and report of IO in a final form.  
Accused, Rabbul Islam is produced from JC.  
No report is report from the IO in final form.  
A bail application is filed on behalf of accused, Rabbul Islam.  
Spl. P P, Mr S Bhowmick files hazira.  
Ld Advocate for the accused person submits that the bail application may be  
fixed for hearing on tomorrow, i.e., on 28.09.2021.  
Considered.  
Fix **28.09.2021** for production and bail hearing.  
CD be kept with the record.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
Alipurduar, In-charge.*

*Addl. Sessions Judge,  
Alipurduar, In-charge.*

**Criminal Revision.18/2020**

Order No.5,  
dt. 22.09.2021

*Today is fixed for passing order on the petition dt. 02.03.2020.*

*Revisionist, Amit Kumar Basak files Lawyer's hazira.*

*Perused the petition dt. 02.03.2020 filed by the revisionist with praying to stay the further proceeding of a case being MR case No. 142/2019 before the court of Ld ACJM, Alipurduar till the hearing of this revisional application.*

*During hearing Ld Advocate for the revisionist submits that the Ld court below has passed an order dt. 17.01.2020 against the revisionist with direction to pay a monthly interim maintenance allowance of Rs. 8,000/- to the petitioner/wife within seven [7] days of each succeeding English Calender. The such interim order is baseless, whimsical and bad in law.*

*Considered.*

*Perused the stay petition as well as interim order dt. 17.01.2020 passed by Ld court of ACJM, Alipurduar. It appears that there is no dispute the relationship between the petitioner and OP as husband and wife. Further no dispute that the petitioner/wife could not produce documentary evidence regarding income of OP/husband but the OP/husband, himself admitted that he has business having income of Rs. 15,000/- per month. Further undisputed that the petitioner/wife has no means for her livelihood. So, the provision u/s. 125 of Cr P C gives effect to the natural and fundamental duty of a man to maintain his legally wife so long she is unable to maintain herself. Regarding interim maintenance, the Magistrate may, however, insist upon an affidavit from the application stating the grounds in support of the claim for interim maintenance to satisfy himself that there is prima facie case for making such order. The amount to be awarded as interim maintenance is the discretion of the court.*

*Here, the Ld court below held that the OP/husband has motor-cycle business and he has capacity to earn at least Rs. 30,000/- per month and passed ad-interim*

*maintenance allowance of Rs.8,000/- per month in favour of the petitioner/wife as just and reasonable. I also think the object of interim maintenance or relief in favour of the petitioner/wife cannot be waived by invoking impugned stay petition filed by the revisionist/husband.*

*Under the above circumstances,*

*Hence,*

**ordered :**

*that the petition dt. 02.03.2020 filed by the revisionist/husband is considered and rejected.*

*The postal requisition is lying with the record, which should be issued at the earliest.*

*Call for LCR.*

*Fix **06.01.2022** for LCR & SR.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

MACC NO.28/2007

Order No.03,  
dt. 18.09.2021

*Today is fixed for hearing.*

*O P NO. 2 files lawyer's hazira.*

*Petitioner takes no step.*

*On calls the petitioners are found absent and none appear on vbehalf of them.*

*Perused the with carefully and find that the petitioners were directed to file show-cause as to why the case shall not be dismissed due to non-compliance of court's order, i.e., the draft copy of paper publication since long time.*

*Today the petitioners have neither file the show-cause nor taken any step.*

*In this circumstances,*

*it is*

*ordered :*

that the No. 28/2007 be and same is dismissed for non-compliance of court's order.

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

MACC NO.14/2017

Order No.07,  
dt. 18.09.2021

*Today is fixed for filing Show-cause by the petitioner.  
O P NO. 1 and O P No. 3 file lawyer's hazira.  
Petitioner files simple hazira through her Ld Advocate but on calls neither the petitioner nor her conducting Advocate is present.*

*Perused the with carefully and find that the petitioner is directed to file DCF since 24.07.2018 but she has not filed DCF. On last i.e., on 08.03.2021 Ld court was pleased to direct the petitioner to file Show-cause as why the instant claim case shall not be dismissed due to non-compliance of court's order. But today the petitioner has neither filed show-cause nor taken any step.*

*In this circumstances,*

*it is  
ordered :*

*that the No. 14/2017 be and same is dismissed for non-compliance of court's order.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

*Misc-Appeal-01/2021*

*Order No.9,  
dt. 09.09.2021*

*Today is fixed for appearance and SR.  
Appellants file through their Ld Advocate.  
No SR is received.*

*Perused the record and find that the appellants have not filed requisition causing servicing notice upon the respondent through Court process.*

*However, the appellants file a postal slip dt. 04.09.2021 but it does not show as whether the notice has been served upon the respondent or not.*

*The appellants are directed to file requisition through court process at once and be permitted to file track report on the next date.*

*Fix 20.09.2021 for SR & appearance.*

*Dictated & corrected  
by me.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

Misc-Appeal-01/2021

Order No.8,  
dt. 03.09.2021

*Record is put up by order of put up petition.*

*Appellant informs this court with a petition that appellant had filed and moved an application under article 227 of Constitution of India before Hon'ble High Court, Circuit Bench at Jalpaiguri being C.O. No. 47/2021 and the Hon'ble Court was pleased to pass an order dt. 22.03.2021 with direction to this court to dispose of the Misc. Appeal No. 01/2021 as expeditiously as possible, preferably within one moth from the date of*

*communication of this order to this court.*

*In view of the Hon'ble Court's order, the date be Preponed.*

*Fix **09.09.2021** for appearance and SR.*

*Appellants are directed to file requisite at once for causing servicing upon the respondent.*

*Dictated & corrected  
by me.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Title Appeal-05/19*

Order No.5.  
dt. 03.09.2021

*Today is fixed for order.*

*Appellant & Respondent file separate haziras through their Ld Advocates.*

*Ld Advocate for the respondent pointed out with a petition that his WS lying in the record but it has not reflected in the order sheet and further prays the WS may be accepted.*

*Considered.*

*WS filed by the respondent dt. 20.03.2021 be accepted.*

*Fix **01.12.2021** for hearing of appeal.*

*Both parties must come ready.*

*Dictated & corrected  
by me.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

S/C. 301/17

Order dt. 06.04.2021.

*Today is fixed for appearance and charge.*

*Accused Saraswati Pradhan on CB is present by filing hazira.*

Ld P P in-charge, Mrs Srimoyee Ghosh Majumder as well Ld Defence counsel, are present.

The record is taken up for consideration of charge.

Heard.

Perused the FIR, charge-sheet, CD and find that a prima facie case u/s. 498A/302 of I P C is made out against the accused, Saraswati Pradhan. Accordingly, the charge is framed. The substance of accusation u/s. 498A/302 of I P C is read over and explained to the accused, who pleads not guilty by saying words, Ami Nirdosh and claims for trial.

The substance of accusation has been recorded in a separate sheet of page and kept with the record.

Ld P P in-charge submits with a petition that there are ten witnesses are examined in this case and their examination in chief are adopted against the present accused, Saraswati Pradhan.

Ld Defence counsel also submits with a petition that the cross-examination of those witnesses are adopting in favour of her accused.

Considered.

No other PW would be examined by the prosecution.

Thus, the evidence on the side of prosecution is closed.

Fix 21.04.2021 for examination of the accused u/s. 313 of Cr P C, DW, if any, argument and judgment.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 190/18

Order No. 25.  
dt. 05.04.2021.

Today is fixed for evidence of CSW No. 2.  
Accused Suraj Chhetri is produced from JC and he is taken into custody.  
Ld P P in-charge as well Ld Defence counsel, are present.

*SR is returned after service.*

*On calls, witness, Gautam Sharma is found absent.*

*Ld PP in-charge submits with a petition that the concerned PP, Mr. P N Majumder is busy in otherwise so a fresh schedule may be fixed.*

*Considered.*

*The case is adjourned today.*

*Fix 23.06.2021 for evidence of CSW No. 2,*

*24.06.2021 " " CSW No. 3,*

*25.06.2021 " " CSW No. 5,*

*Issue fresh summons accordingly.*

*Prosecution to take step.*

*Let the date 06.04.2021 & 07.04.2021 be shifted.*

*The accused, Suraj Chhetri is further sent to JC till 23.06.2021.*

*Inform.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 113/19*

*GR Case No. 87/19*

*Alipurduar PS Case No. 21/19 dt. 17.01.2019*

*Order No. 12.*

*dt. 05.04.2021.*

*Today is fixed for evidence of CSW No. 1.*

*All [3] accused persons on CB are present by filing hazira.*

*Ld PP in-charge as well Ld Defence counsel, are present.*

*SR is returned without servicing with a certificate issued by Mathura GP, it appears that the witness, Subhas Roy, S/O Kokaram Roy is not residing at Mathura*

bagan.

Considered.

Received a report from Alipurduar PS, it appears that the seized alamat in connexion of this case lying before RFSL, Jalpaiguri.

The IO, SI, Mingma Sherpa, Alipurduar PS is directed to go to RFSL, Jalpaiguri and collect the seized alamat viz., one sharp cutting knife with blood stain, blood stained earth, wearing apparels of deceased, Bimal Roy and blood of deceased, Bimal Roy along with report and submit the same before the Ld court on and by **06.07.2021**.

Let a copy of order be sent to IC, Alipurduar PS for causing servicing upon SI, Mingma Sherpa, for his information and compliance.

Todate.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 05.04.2021

Let a copy of order No. 12 dt. 05.04.2021 be sent to IC, Alipurduar PS for causing servicing upon SI, Mingma Sherpa, for his information and compliance

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Criminal Revision.16/19

Order No.7.  
dt. 05.04.2021

*Today is fixed for filing show-cause by revisionist.*

*Revisionist, Biru Lama takes no step.*

*On repeated call he is found absent.*

*None appears on behalf of him.*

*Perused the record and find that the revisionist has neither filed show-cause nor taken any step.*

*However, perused the record and find that the revisionist has neither filed the requisition in spite of repeated directions.*

*Under the above circumstances,*

*Hence,*

*ordered :*

*that the instant criminal revision No. 16/19 be and same is dismissed for default.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S K E L E T O N**

S/C. 146/11 [ S T No.34/12]

GR Case No. 3162/2008

Samuktala PS Case No. 395/2008 dt. 14.08.08

[u/s. 447/325/304 Part-II/34 of I P C

Order No. 1,  
dt. 05.04.2021.

*Record is put up on the petition dt. 31.03.2021.*

*The convicts, Arati Das @ Aroti Das and Anima Barman filed a petition with praying for bail accompanied with the certified copy of order dt. 26.03.2021 passed by the Hon'ble High Court, Circuit Bench of Jalpaiguri in connexion with CRAN No. 02 of 2021 dt. 18.02.2021 arising out of CRA 3 of 2021.*

*During hearing Ld Advocate for the convicts submits that the above said both the convicts filed and moved an application u/s. 389 of Cr P C before the Circuit Bench of Calcutta High Court, Jalpaiguri and the Hon'ble Court has been pleased to pass an order dt. 26.03.2021 that the petitioners/convicts shall be released on bail to the satisfaction of the trial court in terms of the condition to be imposed by the trial court.*

*Considered.*

*Perused the order dt. 26.03.2021 passed by the Circuit Bench of Calcutta High Court, Jalpaiguri and find that both the convicts, namely, Arati Das @ Aroti Das and Anima Barman may find bail of Rs. 10,000/- each, with two registered sureties @ of Rs. 5,000/- each, to the satisfaction of Ld ACJM, Alipurduar on condition not to leave the jurisdiction of Samuktala PS prior permission of this Ld court and to appear each and every dates so fixed by this Ld court.*

*Let a copy of order be sent to Ld ACJM, Alipurduar for information as well as one another copy be sent to the Superintendent of Central Correctional Home, Jalpaiguri through Superintendent, Alipurduar District Correctional home for information and compliance.*

*Fix **17.08.2021** for appearance.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 05.04.2021*

*Let a copy of order No. 25 dt. 25.03.21 be sent to Ld ACJM, Alipurduar for information as well as one another copy be sent to the Superintendent of Central Correctional Home, Jalpaiguri through Superintendent, Alipurduar District Correctional home for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Criminal Revision.38/16*

Order No.25,  
dt. 05.04.2021

*Today is fixed for filing show-cause by revisionist.  
The OP No. 1, State of West Bengal files hazira.  
Revisionist, Raj Kumar Sah takes no step.  
On repeated call he is found absent.  
None appears on behalf of him.*

*Perused the record and find that the revisionist has neither filed show-cause nor taken any step.*

*However, perused the LCR and find that Ld court below has rightly passed the order dt. 28.09.2016.*

*Under the above circumstances,  
Hence,*

*ordered :*

*that the instant criminal revision No. 38/16 be and same is dismissed for default.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

MACC NO.35/19

Order No.13,  
dt. 26.03.2021

*Today is fixed for filing newspaper.*

*Petitioner files Lawyer's hazira.*

*OP No. 2, United India Insurance Co. Ltd., file a time petition for filing WS.*

*Ld Advocate for the petitioner and Ld Advocate for the OP No. 2 are present.*

*Ld Advocate for the petitioner drawn attention that on 16.03.20 the publication in newspaper has been filed in this case but the OP No. 1, M/s Mahalaxmi Transport has not turned up. So, the suit may be fixed an Ex parte hearing against him.*

*Considered.*

*Let the suit be fixed for Ex parte hearing against OP No. 1, M/s Mahalaxmi Transport.*

*The time petition filed by the OP No. 2, united India Insurance Co. Ltd., is taken up for hearing.*

*Heard.*

*Perused the record and find that the OP No. 2, United India Insurance Co. Ltd., has not yet been filed Vakalatnama. So, the instant time petition has no locusstandi and prayer as sought for is rejected.*

*Let the suit be fixed for Ex parte hearing against the OP No. 2, United India Insurance Co. Ltd.*

*Fix 17.07.2021 for Ex parte hearing.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

MACC NO.40/20

Order No.04,  
dt. 25.03.2021

*Today is fixed for hearing of the petition dt. 02.03.21 filed by the petitioner, Nayantara Kundu.*

*Neither the petitioner nor the OP take steps.*

*On repeated calls, none appears on behalf of them.*

*Perused the petition dt. 02.03.2021 filed by the petitioner, it appears that this case has been filed due to mis-concept.*

*The prior this case, the same cause of action, one MACC being No. 37/18 is lying in this court for trial and disposal.*

*Under the above circumstances,*

*Hence,*

*it is  
ordered :*

*that the MACC No. 40/20 be and same is dismissed for default.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

*S/C. 236/17*

*GR Case No. 997/1986*

*Birpara PS Case No. 04/1986 dt. 04.12.86*

*Order No. 24.  
dt. 25.03.2021.*

*Today is fixed for appearance and death report.*

*Accused, Pravat @! Biren Dey on C B is present by filing hazira.*

*Ld P P in-charge as well Ld Defence counsel, are present.*

*No death has yet been received from Birpara PS.*

*Perused the record that find that a good number of time give to OC, Birpara for*

collection and submit the death report of deceased, Subal Chandra Sarkar, S/O Late Satish Chandra Sarkar of [near Railway gate of Banerhat] and of Bairatiguri, Dhupguri Cinema Hall, PS- Dhupguri, District- Jalpaiguri but no report has yet been received.

The OC, Birpara PS is hereby directed to look into the matter personally and collect the death report of above said deceased and submit the same before the Ld court by **22.06.2021**.

Let a copy of order be sent to OC, Birpara PS for information and compliance.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 25.03.2021

Let a copy of order No. 24 dt. 25.03.21 be sent to OC, Birpara PS for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 155/15

Order No. 44,  
dt. 25.03.2021.

*Today is fixed for appearance and examination of accused person u/s. 313 of Cr P C.*

*Both the accused persons on CB are absent by petition.*

*Ld P P in-charge as well Ld Defence counsel are present by filing hazira.*

*The time petition is taken up for hearing.*

*Considered.*

*The time petition is considered and rejected as the ground is not sufficient.*

*Hence, Issue WA against both the accused persons, namely, Manoj Kumar Sharma and Debendra Kumar Sharma.*

*Fix **08.07.2021** for ER of WA.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 266/19  
GR Case No. 783/19  
Alipurduar PS Case No. 185/19 dt. 12.05.19

Order No. 09,  
dt. 25.03.2021.

*Today is fixed for production and evidence.*

*Asit Tirkey is produced from JC and he is taken into custody.*

*Ld P P, Mr P N Majumder as well Ld Defence counsel, Mr Babul Saha are present.*

*SR is returned.*

*Two witnesses, viz., Swapna Tirkey and Babulal Tirkey are present in court but they are not examined for want of seized alamat.*

*Ld P PL submits with a petition that a fresh schedule may be fixed on the ground that he is busy otherwise.*

*Considered..*

*Fix **02.07.2021** for evidence of CSW Nos. 2 & 3.*

*03.07.2021 " " " Nos. 4 & 5.*

*05.07.2021 ;; " " Nos. 6 & 7.*

*Issue fresh summons accordingly.*

*Prosecution to take step.*

*IC, Alipurduar is directed to produce seized alamat in connexion with this case.*

*Accused Asit Tirkey is further sent to JC till 02.07.2021.*

*Let the date 26.03.21, 30.03.21 & 31.03.21 be shifted.*

*Let a copy of order be sent to IC, Alipurduar for information and compliance.*

*Dictated & corrected  
by me.*

*Sd/-*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 25.03.2021*

*Let a copy of order No. 9 dt. 25.03.21 be sent to IC, Alipurduar for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Mat Suit NO.353/19

Order No. 11,  
dt. 24.03.2021

*Today is fixed for evidence of petitioner.*

*Petitioner, Madhu Chhanda Sutradhar and the OP, Sanjay Dey are present.*

*One joint application has been filed by both parties with supported an affidavit respectively. By the the instant application, both parties submit that they are living together as husband and wife and they are not willing to proceed this case further more.*

*Considered.*

*Hence,*

*it is*

*ordered :*

*that the instant Mat Suit being No. 353/19 be and same is dismissed for non-prosecution.*

*Dictated & corrected*

by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

S/C. 174/11  
G R Case No. 1522/20  
Alipurduar PS case No. 375/20 dt. 14.08.20

Order No. 101.  
dt. 24.03.2021.

*Today is fixed for appearance and ER of WPA.*

*All [3] accused persons, namely, Kabir Ansari, Afzal Ansari & Sabiran Bibi on CB are present by filing hazira.*

*Ld P P in-charge as well as Ld defence counsel are present.*

*No ER of WPA is received.*

*Ld Advocate for the accused pointed that both the warrantee accused persons, namely, Sabir Ansari and Nur Jahan Bibi are absconders since long and this Ld court has been pleased to pass an order as filed for present against both said warrantee accused persons after exhausted the process.*

*Considered.*

*Perused the record carefully and find the Ld court has been pleased to pass an order as filed for present against both the warrantee accused persons, namely, Sabir Ansari & Nur Jahan Bibi dt. 20.01.2018 vide order No. 66.*

*So, the fresh WPA of both the accused persons are not required.*

*Fix 07.05.2021 for examination of the accused persons u/s. 313 of Cr P C.*

*Accused as before.*

*Dictated & corrected*

*by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 31/12*  
*G R Case No. 1522/20*  
*Alipurduar PS case No. 375/20 dt. 14.08.20*

*Order No. 3.*  
*dt. 23.03.2021.*

*Record is put up by order of put petition.*

*A bail application is filed and moved on behalf of accused, Kallol Chakraborty along with the certified copy of order dt. 17.03.2021 passed by the Hon'ble Calcutta High court, Circuit Bench, Jalpaiguri in connexion with CRM No. 10037 of 2020 with CRM No. 43/2021 u/s. 439 of Cr P C.*

*Heard.*

*Perused the certified copy of order dt. 17.03.2021 passed by the Hon'ble Calcutta High court, Circuit Bench, Jalpaiguri in connexion with CRM No. 10037 of 2020 with CRM No. 43/2021 u/s. 439 of Cr P C and find that the Hon'ble Court has been pleased to grant bail in favour of accused, Kallol Chakraborty @ Kallal Chakraborty on furnishing security of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of Ld ACJM, Alipurduar on subject to condition, not to leave the State of West Bengal during trial and shall not intimidate any witness and/or make any inducement, promise or threat to any person acquainted with the fact of the case to dissuade such person from disclosing such facts to any police officer or the court and/or tampered with evidence in any manner.*

*If on bail to 11.06.2021 for appearance.  
Let a copy of order be sent to Ld ACJM, Alipurduar for his information.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 23.03.2021*

*Let a copy of order No. 3 dt. 23.03.2021 be sent to Ld ACJM, Alipurduar for his  
information*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 213/13  
G R Case No. 651/03

Order No. 19.  
dt. 23.03.2021.

*Today is fixed for appearance and call for death report from Falakata PS.*

*Out of [100] accused persons, [77] accused persons on CB are present by, [18] accused persons are absent and [5] accused persons, namely,. Sabitiri Bariak, Amit Minj, Charoa Kujur, Marianus Lakhra and Rajen Lakhra are died.*

*Ld P P in-charge as well Ld defence counsel are present.*

*No report has yet been received from IC, Falakata PS.*

*Perused the record and find that copy of order was sent to Falakata PS for collection of death report of above said deceased vide Memo No.56 dt. 25.01.2021 but no report has been received.*

*Ld Advocate for the accused persons submits a photocopy of death certificate of Marianus Lakhra, who died on 23.11.2020. the death certificate is accepted and the name of deceased Marianus Lakhra be expunged from the charge-sheet.*

*DA to note.*

*IC, Falakata PS is again directed to collect the death reports of deceased accused, Sabitri Baraik, W/O Faguram Baraik, Amit Minj S/O Sukra Minj, Rajen Lakhra, S/O Abaram Lakhra all of Dalgaon TG, Falakata PS and one other accused, Charoa Kujur, S/O Late Lebra Kujur of Boroline, TASA Tea Garden, PS- Falakata and submit the report be sent to Ld court on **07.07.2021.***

*Let a copy of order be sent to IC, Falakata PS for information and strict compliance.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 23.03.2021*

*Let a copy of order No.19 dt. 23.03.2021 be sent to IC, Falakata PS for  
information and strict compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 01/18

Order No. 35.  
dt. 23.03.2021.

*Today is fixed for further evidence.  
Accused, Pintu Barman @ Patu on CB is present by filing hazira.  
Ld P P incharge as well Ld defence counsel are present.  
No PW is present.  
The case is adjourned today.  
Ld P P in-charge submits that a fresh schedule may be fixed.  
Considered.*

*Fix 14.07.2021\_for evidence of CSW No. 7.  
15.07.2021 " " of CSW Nos. 17 & 19,  
16.07.2021 " " of CSW Nos. 20 & 22.*

*Issue summons accordingly,  
Prosecution to take step.  
Accused as before.  
Let the date **24.03.2021** be shifted.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

MACC NO.60/16

Order No. 21,  
dt. 22.03.2021

*Today is fixed for payment of commissioner fees.*

*The OP No. 1 & O P No. 2 file their respective haziras through their Ld Advocates.*

*The petitioner, Somra @ Bhiru Oraon @ Munda takes no step.*

*On calls Ld Advocate for the petitioner is present and submits with a petition that the petitioner is not alive, who died. So, he is unable to submit any thing more.*

*Under the above circumstances,*

*Hence,*

*it is  
ordered :*

*that the instant MACC No. 60/16 be and same is disposed of for non prosecution.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal,  
FTC-II, Alipurduar.*

Mat Suit NO.297/18

Order No. 16,  
dt. 18.03.2021

*Record is put up for passing order.*

*Petitioner, files Lawyer's hazira.*

*Seen the report of DA filed on 12.01.2021 and find the draft copy of publication is correct.*

*Accordingly, the prayer for the petitioner for publication in local newspaper [Aajkal] as a substitute service upon the respondent is allowed.*

*The petitioner is permitted to publish as a substitute service upon the respondent in most circulated newspaper, i.e., Aajkal, Bartaman or Ananda Bazar and the same newspaper will be produced before the Ld court by or on 16.07.2021.*

*Fix **16.07.2021** for filing newspaper.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

S/C. 353/18

Order No. 28,  
dt. 22.03.2021.

*Today is fixed for production and evidence.*

*Accused, Narayan Barman is produced from JC and he is taken into custody.*

*Ld P P incharge as well Ld defence counsel are present.*

*No PW is present.*

*Perused the record and find that the requisition of summons sent to the CMOH, Alipurduar causing servicing upon the witness, Dr. Pranabesh Bharatee of Alipurduar District Hospital vide process No.63/21 dt. 17.02.2021 but no report has yet been received.*

*The CMOH, Alipurduar is directed with request to look into the matter personally as to why the service return has not yet been returned to this Ld court.*

*Ld P P in-charge submits that a fresh schedule may be fixed.*

*Considered.*

*Fix 09.07.2021\_ for evidence of Ld Magistrate, Saurav Adak,.*

*12.07..2021 " " of Dr Pranabesh Bharatee,*

*13.07.2021 " " of SI, Gour Chandra Roy.*

*Issue summons accordingly,*

*Prosecution to take step.*

*Let a copy of order be sent to CMOH, Alipurduar along with requisition of summons for his information and compliance.*

*Accused, Narayan Barman is further sent to JC til 09.07.2021.*

*Let the date **23.03.2021** be shifted.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 22.03.2021*

*Let a copy of order No. 28 dt. 22.03.2021 of order be sent to CMOH, Alipurduar along with requisition of summons for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Order No.19,  
dt. 20.03.2021

*Today is fixed for appearance & evidence.*

*Both the accused persons, namely, Purneswar Barman and Usha Barman on CB are present by filing hazira.*

*Ld P P in-charge as well as Ld Advocate for the defence are present.*

*One, Smt Kanchan Barman has been examined in chief as PW3 and also cross examined in full then discharged. No more witness is present.*

*At this stage Ld P P in-charge files a petition stating inter alia that prosecution produced three witnesses for evidence and nothing incriminating has come during their evidence against the accused persons. Defacto complainant, Arun Sahani did not come to adduce his evidence in this case as he is not residing in his same address where he stayed at the time of incident and accordingly, prays for closure of evidence on behalf of the prosecution.*

*Considered. Prayer is allowed.*

*Accordingly, prosecution evidence is closed.*

*Fix \_\_\_\_\_ for examination of the accused persons u/s. 313 of Cr P C.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 19.03.2021*

*Let a copy of order No. 1 dt. 19.03.2021 be sent to the Judicial Cash Counter,  
Alipurduar for information.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**SKELETON RECORD**  
**S/C. 215/08 [S T No. 59/08]**  
**Madarihat P S case No.35/91 dt. 26.04.1991**

Order No.1,  
dt. 19.03.2021

*Record is put up by order of put up petition.*

*One application has been filed on behalf of the convicts, namely, Dalu Oraon & Ramdas Oraon @ Randaseswar Oraon with fresh vakalatnama. By the instant application, the both above said convicts are seeking to deposit the fine amount of Rs. 5,000/- each, as per order passed by Ld 3<sup>rd</sup> Fast Track Court, Alipurduar vide order No. 66 dt. 02.07.2012.*

*Considered.*

*Perused the attested certified copy of judgment and order passed by Ld 3<sup>rd</sup> Fast Track Court, Alipurduar on 30.06.2012, it appears that the four accused persons, namely, Sukra Dewan @ Kujuir, Dalua Oraon, Ramdas @ Randaseswar & Ahelad Gangu were convicted for the offence punishable u/s. 376 (2)(g)/34 of I P C. On 02.07.2012 Ld court was pleased to pass sentence to suffer RI for ten years and to pay fine of Rs. 5,000/- only each, in default of making payment of fine, further suffer RI for one year each for the offence punishable u/s. 376(2)(g) of I P C.*

*As per order No. 66 dt. 02.07.2012 passed by Ld 3<sup>rd</sup> Fast Track Court, Alipurduar, it is not barred to allow the prayer of convicts.*

*Hence,*

*it is  
ordered :*

*that both the convicts, Dalu Oraon & Ramdas Oraon @ Randaseswar Oraon are permitted to deposit the fine of Rs. 5,000/- only each.*

*The Judicial Cash Counter, Alipurduar is directed to accept the above said fine amount against the proper receipt.*

*Let a copy of order be sent to the Judicial Cash Counter, Alipurduar for information.*

*Dictated & corrected  
by me.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**SKELETON RECORD**  
**S/C. 215/08 [S T No. 59/08]**  
**Madarihat P S case No.35/91 dt. 26.04.1991**

Later :  
dt.19.03.21

The convicts, Dalu Oraon & Ramdas Oraon @ Randaseswar Oraon have deposited the fine amounting to Rs. 5,000/- only each, to the Judicial Cash Counter, Alipurduar today against the proper receipt.

Let the proper receipt be kept in the record.

The extract copy of order be sent to Central Correctional Home, Jalpaiguri for information along with photocopy of cash receipt.

Dictated & corrected  
by me.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 19.03.2021

Let a copy of order No. 1 [ Later ] dt. 19.03.2021 be sent to Central Correctional Home, Jalpaiguri for information along with photocopy of cash receipt.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 217/17

Order No.26,  
dt. 19.03.2021

*Today is fixed for appearance and charge,.*

*Out of [23] accused persons on CB, [2] accused persons, namely, Deo Kumar Munda & Bhagaban Das Kujur are present by filing hazira and rest [20] accused persons, namely, Xavier Munda, Sukher Munda, Minta Munda, Mohan Tirkey, Mona Munda, Saroj Sarma, Naresh Sarma, Mottey Kharia, Shib Prasad Oraon, Jharia Oraon, Dipak Lakhra, Kalabati Oraon, Kiran Munda, Stifen Oraon, Fulkumari Ekka, Bula Oraon, Somra Oraon, Somai Munda, Lachhu Oraon & Bisa Indwar are absent by petition and one accused person, Nirmal Munda is produced from JC and he is taken into custody.*

*Ld PP in-charge as well as Ld defence counsel are present.*

*Ld Advocate for the accused, pointed out that one petition dt. 26.02.2021 is lying in the record and it should be disposed of earlier.*

*Considered.*

*Perused the petition dt. 26.02.2021 filed on behalf of Nirmal Munda. By the instant application, the accused/petitioner has sought for issuance of release order.*

*Perused the record and find that Ld ACJM, Alipurduar has already issued release order dt. 19.05.2005 so the instant petition is misconceived and rejected.*

*Fix **07.06.2021** for appearance, production and consideration of charge.*

*All accused persons must be present in default WA.*

*Accused Nirmal Munda is further sent to J C till 07.06.2021.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Mat Suit NO.297/18*

*Order No. 16,  
dt. 18.03.2021*

*Record is put up for passing order.*

*Petitioner,files Lawyer's hazira.*

*Seen the report of DA filed on 12.01.2021 and find the draft copy of publication is correct.*

*Accordingly, the prayer for the petitioner for publication in local newspaper [Aajkal] as a substitute service upon the respondent is allowed.*

*The petitioner is permitted to publish as a substitute service upon the respondent in most circulated newspaper, i.e., Aajkal, Bartaman or Ananda Bazar and the same newspaper will be produced before the Ld court by or on 16.07.2021.*

*Fix **16.07.2021** for filing newspaper.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

S/C. 14/15  
GR Case No. 1506/14  
Falakata PS case No. 500/14 dt. 20.06.14

Order No.44,  
dt. 16.03.2021

Today is fixed for appearance & ER of WA.  
Accused, Abraham Coach on CB is present by filing hazira.  
No ER of WA or WPA is received against the accused, Sarma Rava @ Has Rava.  
Perused the record carefully and find that the requisition of warrant was sent to PS-Gosaigaon, District- Kokrajhar, Assam vide process No.550/19 dt. 19.12.2019 but no report has yet been received.

The SP, Kokrajhar is directed with request to give direction IC/OC- Gosaigaon PS, District- Kokrajhar to execute the WA or WPA against the above named accused person and submit the compliance report before this Ld court on or by **18.05.2021**.

Let a copy of order be sent to the SP, Kokrajhar, Assam for his information and compliance along with fresh requisition of WA.

Dictated & corrected  
by me.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 16.03.2021

Let a copy of order No. 44 dt. 16.03.2021 be sent to the SP, Kokrajhar, Assam for his information and compliance along with fresh requisition of WA.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Mat Suit NO. 42/20

Order dt. 15.03.2021

*Today is fixed for SR and appearance.*

*Petitioner, Shantana Halder is present and files hazira. Ld Advocate for the petitioner is also present.*

*Respondent, Prasanta Halder appeared by filing Vakalatnama through his Ld Advocate and also files a petition praying that he is not willing to contest the case.*

*Heard. Considered.*

*Prayer is allowed and the instant suit be proceeded Exparte against the respondent.*

*Fix **22.06.2021** for Ex parte hearing.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 13/16  
GR Case No. 2999/15  
Kalchini PS case No. 192/15 dt. 31.10.15

Order No.40.  
dt. 15.03.2021

*Today is fixed for evidence.*

*Out of [4] accused persons,[2] accused persons, namely, Bablu Hossain @ Bablu & Ranjit Rava on CB are present by filing hazira, one accused person, Gouranga Das is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C, one accused, Kamal Biswas is absent.*

*Ld Advocate for the accused persons informed this court with a petition that accused, Kamal Biswas is not alive so more, who died about one year ago.*

*Considered. Call for death report of deceased, Kamal Biswas, S/O Indrajit Biswas of Meghnath Saha nagar, PS- Madarihat District- Alipurduar.*

*The case is adjourned today.*

*OC, Kalchini PS is hereby directed to send the death report of Kamal Biswas, S/O Indrajit Biswas of Meghnath Saha nagar, PS- Madarihat District- Alipurduar.*

Fix 06.05.2021 for appearance and death report of Kamal Biswas from Kalchini PS.

Let a copy of order be sent to OC, Kalchini PS for information and compliance.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 15.03.2021

Let a copy of order NO. 40 dt. 15.03.2021 be sent to OC, Kalchini PS for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 43/19

Order No.25,  
dt. 10.03.2021

*Today is fixed for further evidence.*

*Accused, Samir Biswas on CB is present by filing hazira.*

*Ld PP as well as Ld defence counsel are present.*

*One witness, ASI, Bisto Das is present, who is examined in chief, crossed in full and discharged as PW6. He has formal proved the inquest report and dead body challan as marked Exbt-2 & 3 respectively.*

*One, another witness, C/381, Manindra Roy is present but he is not examined for want of seized alamat on being prayed by Ld prosecution.*

*The case is adjourned today.*

*Fix **05.07.2021** for evidence of C/Manindra Roy and C/Dipak Chhetri.*

*06.07.2021 " " C/Ganesh Ch Roy & Nanda Gopal Ghosh,*

*07.07.2021 " " Roshonara and Sukur Ali Mondal.*

*Issue summons accordingly.*

*Prosecution to file requisition.*

*Prosecution to take step for seized alamat.*

*Accused as before.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 271/19  
GR Case No. 1406/19  
Falakata P S case No. 391/19 dt. 28.07.2019

Order No.8.  
dt. 10.03.2021

*Today is fixed for appearance and consideration of charge.*

*All [19] accused persons on CB are present by filing hazira.*

*Ld PP, Mr P N Majumder as well as Ld defence counsel are present.*

*Ld prosecution submits with a petition that one, ASI, Ranjit Das of Falakata PS conducted inquest over the dead body in connexion with Alipurduar PS UD case No. 195/19 dt. 29.07.2019 and the dead body was forwarded for PM examination. The IO, SI, Benedict M Lepcha, Falakata PS submitted charge-sheet being No. 551/19 dt. 24.10.2019 without collecting the PM report, dead body challan and inquest report. Those documents are required for proper trial of this case. Ld Prosecution has sought for direction upon the IO, SI, Benedict M Lepcha, Falakata PS for collection of those documents and same produce before this Ld court on the next date.*

*Considered.*

*Perused the LCR, CD and find that the inquest report, PM report and dead body challan are not available in the record. The IO, SI, Benedict M Lepcha stated in charge-sheet that supplementary charge-sheet will be submitted after receiving PM report of the deceased from Alipurduar PS.*

*In this circumstances, SI, Benedict M Lepcha, being I O of the case is directed to go and collect these material documents, viz., inquest report, PM report and dead body challan of deceased and produce the same before the Ld court on **29.06.2021**.*

*Let a copy of order be sent to SI, Benedict M Lepcha, [previously posted at Falakata PS on 24.10.2019] through SP, Alipurduar for his information and compliance.*

*Accused as before.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 10.03.2021

Let a copy of order No. 8 dt. 10.03.2021 be sent to SI, Benedict M Lepcha, [previously posted at Falakata PS on 24.10.2019] through SP, Alipurduar for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 221/19  
GR Case No. 99/1988

Order No.8.  
dt. 10.03.2021

Today is fixed for evidence of complainant, Seuji Prasad.

Out of [2] on CB, one accused, Prabir Roy is present by filing hazira and one accused Bijay Roy on CB is absent by petition and he is represented through his Ld Advocate u/. 317 of Cr P

Ld P P in-charge, Mr Subrata Sarkar as well as Ld defence counsel are present.

No P W is present.

Ld P P in-charge submits with a petition that SR is returned without any report from concerned PS, i.e., Kumargram PS as whether the summons duly served or not save and except one Panchayet certificate is annexed with the requisition of summons and returned the same before this Ld court.

Considered.

Perused the record and it is surprising enough that no endorsement of concerned PS regarding servicing of summons upon the witness, Seuji Prasad.

IC, Kumargram PS is directed to appear personally before the Ld court along with witness, Seuji Prasad on the date fixed positively.

Let a copy of order along with fresh requisition of summons be sent to IC, Kumargram PS for his information and compliance.

Fix **25.06.2021** for appearance and evidence.

Issue summons accordingly.

Prosecution to file fresh requisition.

*Accused as before.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 10.03.2021*

*Let a copy of order dt. 10.03.2021 along with fresh requisition of summons be sent to IC, Kumargram PS for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**Criminal Revision No.18/20**

Order No. 2,  
dt. 08.03.2021

*Today is fixed for appearance and hearing.*

*The petitioner/Revisionist, Amit Kumar Basak is present by filing hazira.*

*Ld Advocate for the petitioner is present.*

*Ld Advocate for the petitioner, pointed out that this criminal revisional application has not been admitted till today and may be fixed for admission hearing.*

*Perused the record and find that our Superior Court has transferred this revisional application to this court for disposal but has no direction for admission hearing. So, this court has been barred for admission hearing.*

Fix **10.05.2021** for appearance.

Dictated & corrected  
by me,

Judge, MAC Tribunal,  
**FTC-II, Alipurduar.**

Judge,MAC Tribunal  
**FTC-II, Alipurduar.**

S/C. 238/17  
GR Case No. 1982/12  
Madarihat PS case No. 124/12 dt. 03.09.2012

Order No.26.  
dt. 08.03.2021

Today is fixed for evidence of IO,SI, Arun Kumar Tamang.  
All [7] accused persons on CB are present by filing hazira.  
Ld P P in-charge, Suresh Chandra Das as well as Ld defence counsel are present.

No P W is present.

Seen message from IC, Itahar PS under District Uttar Dinajpur it appears that SI, Arun Kumar Tamang, IC, Itahar PS prays for time on ground engage in Law and order duty.

Considered.

Fix **28.06.2021** for evidence of IO, SI, Arun Kumar Tamang.

Issue summons accordingly.

Prosecution to file fresh requisition.

Accused as before.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

Addl. Sessions Judge,  
**FTC-II, Alipurduar,**

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 03.03.2021

Let a copy of order No. 75 dt. 03.03.2021, be sent to IC, Alipurduar PS with request to serve it upon the IO,SI, Praveen Pradhan, who was posted at Samuktala PS on 28.04.2013 for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**MACC 15/21**

Order No. 2  
dt. 04.03.2021

Today is fixed for hearing. .

Ld Advocate for the petitioner files a petition.

By the instant petition the petitioner has sought for permission to withdraw the instant MAC case with a liberty to file afresh.

Considered.

The petitioner is permitted to withdraw the case with liberty to fresh suit, if, any.

Accordingly, the instant suit be and same is disposed of.

Dictated & corrected  
by me,

Judge, MAC Tribunal,  
FTC-II, Alipurduar.

Judge,MAC Tribunal  
FTC-II, Alipurduar.

**Mat Suit No. 266/17**  
**CIS No. 306/17**

**Order dt. 04.03.2021**

*Today is fixed for show cause by the petitioner.  
Neither the petitioner nor the respondent is present.  
On repeated calls, parties are found absent.  
None appears on behalf of them.  
Perused the record and find that the order dt. 19.01.2021 has not been complied with.*

*In this circumstances, I think that the parties are not willing to proceed this case.*

Hence, *it is ordered :*

*that the instant Mat Suit No. 266/17 be and same is dismissed for default.*

*Dictated & corrected  
by me.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

**Mat Suit No. 73/18**  
**CIS No. 74/18**

Order No.21,  
dt. 04.03.2021

*Today is fixed for show cause by the petitioner.  
Neither the petitioner nor the respondent is present.  
Petitioner files Lawyer's hazira only, none moves the same.  
On repeated calls, parties are found absent.  
None appears on behalf of them.  
Perused the record and find that the order No. 20 dt. 22.02.2021 has not been complied with.*

*In this circumstances, I think that the parties are not willing to proceed this case.*

Hence, *it is ordered :*

*that the instant Mat Suit No. 73/18 be and same is dismissed for default.*

*Dictated & corrected  
by me.*

*Addl. District Judge,*

*Addl. District Judge,*

**S/C. 271/13**

Order No.47,  
dt. 04.03.2021

*Today is fixed for further evidence.  
All [5] accused persons on CB are present by filing hazira.  
Ld P P in-charge as well as Ld defence counsel are present.  
PW4, Pinki Das is examined in chief, cross in full and discharged. She has identified her signature on the statement u/s.164 Cr P C as marked Exbt-3.  
One, Jayanti Das is present but she is not examined for want of time.  
The case is adjourned today.*

*Fix **20.054.2021** for evidence of witness, Jayanti Das  
Issue summons accordingly,  
Prosecution to take step.  
Accused as before.*

*Dictated & corrected  
by me.*

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**Misc. Appeal No. 03/16**

Order No.20,  
dt. 03.03.2021

*Today is fixed for argument.*

*Neither the appellant nor the respondent file hazira.*

*On repeated calls, parties are found absent.*

*None appears on behalf of them.*

*Perused the record and find that the parties are absent since long time.*

*In this circumstances, I think that the parties are not willing to proceed this case.*

Hence, *it is ordered :*

*that the instant Misc Appeal, No. 3/16 be and same is dismissed for default.*

*Dictated & corrected  
by me.*

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar,

**Criminal Revision No. 22/18**

Order No.5,  
dt. 01.03.2021

*Today is fixed for hearing.*

*The petitioner and OP No. 1 file Lawyer's hazira.*

*Ld Advocate for the petitioner as well Ld Advocate for the OP jointly submitted that the matter has settled out of court and both parties had got mutual divorce so they are not willing to proceed this case.*

*Considered.*

*Hence, it is ordered :*

*that the instant criminal revision No. 22/18 be and same is dismissed for non-prosecution.*

*Dictated & corrected  
by me.*

*Addl. District Judge,*

*Addl. District Judge,*

S/C. 139/13  
GR Case No. 2299/12  
Samuktala PS case No. 289/12 dt. 09.10.2012

Order No.75,  
dt. 03.03.2021

Today is fixed for delivery of judgement.

At the time of writing judgment I have carefully perused the entire record and find that the victim girl, Ranju Oraon and IO of the case, namely, SI, Praveen Pradhan are not examined. Admitted fact that the victim girl is a mentally retarded girl and she is unable to give answer rationally against the question being put to her.

Further, perused the record, it appears that the victim girl was produced before this Ld court on 26.10.2017. Ld Court had tried to conversation with the victim in open court but she was unable to give answer of the question rationally being put to her. Accordingly, the victim girl was released. But the then predecessor did not invoke the provision of section 119 of the Evidence Act.

As per section 119 of the Evidence Act that when the witness is unable to communicate verbally, the court shall taken the assistance of an interpreter or a special educator in recording the statement and such statement shall be video-graphed.

In this context, the Hon'ble Mumbai High Court made observation in a reported case -Hanumant.....Vs.....Maharashtra, Criminal Appeal No. 493 of 2-19-how to record the evidence of deaf & dumb, mentally retarded raped victim. The victim girl was illiterate and was not even knowing the scientific sign language of the deaf & dumb persons, her statement was recorded through an interpreter from Mentally retarded school.....

In this circumstances, for the interest of justice I invoke the provision of section 311 of Cr P C r/w section 119 of the Evidence Act and call the victim girl for recording her statement with assistance of an interpreter from Mentally Retarded School.

IO, SI, Praveen Pradhan is directed to produce the victim girl, Ranju Oraon as well as the interpreter from Mentally Retarded School before this court on **28.04.2021**.

Fix **28.04.2021** for evidence of victim girl, Ranju Oraon.

Let a copy of order this order be sent to IC, Alipurduar PS with request to serve it upon the IO, SI, Praveen Pradhan, who was posted at Samuktala PS on 28.04.2013 for information and compliance.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 03.03.2021*

*Let a copy of order No. 75 dt. 03.03.2021, be sent to IC, Alipurduar PS with request to serve it upon the IO,SI, Praveen Pradhan, who was posted at Samuktala PS on 28.04.2013 for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Misc.Appeal No. 21/12*

*Order No.15.  
dt. 03.03.2021*

*Today is fixed for SR.*

*Appellant files lawyer's hazira.*

*On calls, Ld Advocate for the appellant is found absent.*

*No SR is received.*

*Perused the record carefully and find that a good numbers of time was given to the appellant for filing fresh requisition causing servicing upon the respondent since 25.03.2015 but till today the appellant has not been complied the court's order.*

*In this circumstances, the appellant is hereby directed to file show cause as to why the instant Misc appeal shall not be dismissed due to non-compliance of court's order.*

*Fix 07.04.21 for filing show cause by the appellant.*

*Dictated & corrected  
by me.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar,*

S/C. 01/09

Order No.82,  
dt. 03.03.2021

*Today is fixed for evidence.*

*Both the accused persons Nirmal Kharia & Ganga Rabi Das on CB are absent by petition.*

*Ld P P in-charge, Mr Subhas Roy is present by filing hazira and submits with a petition that prosecution examined as many as two witnesses in past and that evidence are ready to adopt in respect of the present accused person.*

*Considered.*

*Prayer is allowed.*

*Ld Defence counsel is permitted to make cross-examination of those witnesses on the next date positively.*

*Fix **25.06.2021** for cross-examination by the defence.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 217/17

Order No.25,  
dt. 03.03.2021

*The record is put up by order of put up petition dt. 26.02.2021.*

*On repeated calls, Ld conducting Advocate on behalf of accused, Nirmal Munda is not present.*

*Hence, the case is adjourned today.*

*Todate.[19.03.2021]*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 109/17  
GR Case No. 1964/15  
Birpara PS case No. 149/15 dt. 30.06.2015

Order No.22,  
dt. 03.03.2021

*Today is fixed for report from Birpara PS.  
Accused, Chanchal Barman on CB is present by filing hazira.  
Ld P P in-charge Mr Narayan Chandra Ghosh has filed hazira.  
No report has yet been received.*

*Perused the record carefully and find that OC, Birpara PS was directed to verify the following documents, i.e., mail electoral list for the year, 2015 for Madarihat State Assembly, Part 146, Indira Colony, Mouza- Birpara, JL No. 9 vill- Birpara -I under PS Birpara [N759-vide No. RCQ1484139, named, Chanchal Barman], Aadhar Card, EPIC card and ration card of the accused, Chanchal Barman and this order sent to your goodself vide process No. 56 dt. 15.02.2018 but till today no report has been received from your goodself.*

*The OC, Birpara PS is further call report against the above said subject after carefully verified and submit before the Ld court on or by **24.06.2021**.*

*Fix **24.06.2021** for report.  
Let a copy of order along with the photocopy of above said documents.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 03.03.2021*

*Let a copy of order No. 22 dt. 03.03.2021, along with the photocopy of above said documents, be sent to OC, Birpara PS for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 64/14

Order No.56.  
dt. 03.03.2021

*Today is fixed for ER of WA and report.*

*Ld P P in-charge Mr.Santanu Sarkar is present by filing hazira.*

*No ER of WA is received against the accused Munna Baraik.*

*Perused the record that find that inadvertently the requisition of warrant sent to Jaigaon PS in place of Kalchini PS.*

*Let the order No. 55 dt. 30.01.2021 be modified to some extent and recorded Kalchini PS in place of wrongly recorded Jaigaon PS.*

*Issue fresh WA against accused, Munna Baraik.*

*Fix 10.06.2021 for ER of WA.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 01.03.2021*

*Let a copy of order No. 03 dt. 01.03.2021 be sent to Superintendent Alipurduar District Correctional Home and Presidency Correctional Home, Kolkata for information and compliance through Superintendent, Alipurduar District Correctional Home.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 271/17

Order No.46,  
dt. 03.03.2021

Today is fixed for further evidence.

Out of [5] accused persons on CB, [4] accused persons are present by filing hazira and one accused, Smt Khrubala Das is absent by petition and she is represented through her Ld Advocate u/s.317 of Cr P C.

Ld P P incharge as well as Ld Defence counsel are present.

No PW is present.

Seen the SR, it appears that witness, Sudhir Ch. Das and Smt Sudha Rani Das are expired.

Considered.

Let the name of above witnesses, \_Sudhir Ch. Das and Smt Sudha Rani Das be expunged in the list of charge-sheet.

DA is to note.

The case is adjourned today.

Todate, i.e., **04.03.2021** for further evidence.

Accused as before.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 380/19 [ST No. 13/21]  
GR Case No.592/2003  
Birpara PS No. 59/03 dt. 10.10.2003

Order No.19,  
dt. 02.03.2021

Today is fixed for appearance and charge.

Both accused persons, namely, Gautam Pal & Suresh Kharia on CB are present by filing hazira.

Ld P P in-charge, Mr Basudeb Das is present [newly appointed].

The record is taken up for consideration of charge.

Perused the FIR, charge-sheet, CD and find that a prima facie case u/s. 448/326/307 of I P C is made out against both the accused persons.

Accordingly, the charge is framed u/s. \_448/326/307 of I P C.

The substance of acquisition are read over and explained to both the accused persons in Bengali, each of them pleads not guilty by saying 'Ami Nirdosh' and claimed to be tried.

The substance of acquisitions is recorded in a separate sheet of paper and kept with the record.

Fix **14.06.2021** for evidence of complainant.

Issue summons at once.

Prosecution to take step.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 208/16  
GR Case No.270/2008  
Jaigaon PS No. 28/08

Order No.31,  
dt. 02.03.2021

Today is fixed for appearance.

Both accused persons, namely, Kumar Lama @ Patt & Dablu @ Bablu Mia are absent by petition.

On calls none moves the absent petition.

However, perused the absent petition, which is groundless. Hence, the basent petition is rejected.

Issue WA against the accused persons, namely, Kumar Lama @ Patt & Dablu @ Bablu Mia.

Fix **24.06.2021** for ER of WA.

Dictated & corrected  
by me.

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 87/20  
GR Case No.1223/2020  
Jaigaon PS No. 160/20 dt. 04.07.2020*

*Order No.03,  
dt. 01.03.2021*

*Today is fixed for production and report.*

*Accused, Pushu Kachhu is not produced from JC.*

*Ld P P in-charge, Mr Basudeb Das is present.*

*Seen the report submitted by Superintendent of Alipurduar District Correctional Home, it appears that the accused, Pushu Kachhu has been shifted to Presidency Correctional Home for medical treatment at SSKM, Hospital, Kolkata since 01.01.2021. in support of his report submitted a medical report issued by MO of Presidency correctional Home, Kolkata.*

*Considered.*

Fix **10.05.2021** for production and report about fitness of accused.

Let a copy of this order be sent to Superintendent Alipurduar District Correctional Home and Presidency Correctional Home, Kolkata for information and compliance through Superintendent, Alipurduar District Correctional Home.

Dictated & corrected  
by me.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 01.03.2021

Let a copy of order No. 03 dt. 01.03.2021 be sent to Superintendent Alipurduar District Correctional Home and Presidency Correctional Home, Kolkata for information and compliance through Superintendent, Alipurduar District Correctional Home.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 257/17  
GR Case No. 468/02

Order No.27.  
dt. 01.03.2021

*Today is fixed for appearance and charge.*

*Out of [5] accused persons, on CB [4] accused persons, namely, Dinesh Barla, Bholu Barla @ Bhagat, Sujit Tirki & Tairas Lakra are absent by petition and one accused person Ajay Kujur is absent without step.*

*Ld P P in-charge, Mr Samir Kumar Dutta is absent without s tep.*

*On calls, neither accused person, Ajay Kujur nor his conducting Ld Advocate is present.*

*In this circumstances, issue WA against Ajay Kujur.*

*Fix **02.06.2021** for ER of WA and appearance..*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 24.02.2021

Let a copy of order No. 40 dt. 24.02.2021 be sent to IC, Kumargram PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 199/18  
GR Case No.1696/17  
Jaigaon PS Case No.256/17 dt.26.12.2012

Order No.25,  
dt. 26.02.2021

Today is fixed for appearance and ER of WA against the accused, Pappu Prasad Chowdhury.

Accused, Rajesh Sahani on CB is absent by petition as grounds stated therein.

Ld P P in-charge, Mr Sanjay Kumar Gupta is present by filing hazira.

The time petition is taken up for hearing.

Heard both sides.

Perused the time petition and found that the ground stated therein is not sufficient. Hence, the time petition is rejected.

Issue WA against the accused, Rajesh Sahani.

Fix 14.05.2021 for ER of WA against Rajesh Sahani & Pappu Prasad Chowdhury.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 24.02.2021

Let a copy of order No. 40 dt. 24.02.2021 be sent to IC, Kumargram PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 292/17  
GR Case No.282/17  
Kumargram PS Case No.33/17 dt.17.02.2017

Order No.40,  
dt. 24.02.2021

Today is fixed for cross-examination of PW2.

Accused, Shyamal Chowdhury is produced from JC and he is taken into custody.

Ld Defence counsel is present by filing a fresh Vakalatnama.

Ld P P in-charge files hazira.

No PW is present.

SR is returned after service.

Seen the report of IC, Kumargram PS, it appears that the seized items of this case are lying before the Director-cum-Senior Chemical examiner, Forensic Science Laboratory, 37/1/2 Belgachia Road, Kol-37 since 14.05.2017.

The IC, Kumargram PS is directed to go the Forensic Science Laboratory, 37/1/2 Belgachia Road, Kol-37 and collect seized items connexion of this case and produce the same before the Ld court on the date fixed, which are material evidence in this case.

IC, Kumargram PS is to keep mind that it your duty to collect seized items and produce the same before the Ld court failing which law will run in its own course against you.

In the above circumstances, the schedule for the evidence be shifted.

Let a copy of order be sent to IC, Kumargram PS for his information and compliance.

Accused Shyamal Chowdhury is further sent to JC till

Fix **20.04.2021** for production of seized items, production of accused, and

evidence.

Issue fresh summons upon witness, Reshmi Rabi Das.

Prosecution to take step.

Dictated & corrected  
by me.

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 24.02.2021

Let a copy of order No. 40 dt. 24.02.2021 be sent to IC, Kumargram PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**S/C. 15/16**  
**GR Case No.2900/15**

Order No.25.  
dt. 25.02.2021

Today is fixed for production and present mental status of accused, Ram Oraon.

Accused, Ram Oraon is produced from JC and he is taken into custody.

Ld P P in-charge, Mr Babul Saha is present by filing hazira.

Ld Advocate for the accused, Mrs Gopa Kundu is present.

Seen the report of Superintendent, District Hospital , Alipurduar it appears that the accused, Ram Oraon was examined by Dr Narottam Halder, MO [psychiatrist] District Hospital, Alipurduar on 17.02.2021 and he gave opinion that "the patient has no psychological abnormality present. As per current history and mental status, patient is unable to speak smoothly but he can understand and hear as normal, mood, affect and behaviour within normal limit."

As per opinion of doctor, the Superintendent, Alipurduar Correctional Home, is directed to produce accused, Ram Oraon before the Ld court positively on the date fixed.

Let a copy of order be sent to Superintendent, Alipurduar District Correctional Home, for his information and compliance.

Accused Ram Oraon is further sent to JC till

Fix **10.03.2021** for production.

Dictated & corrected  
by me.

Addl. Sessions Judge,

Addl. Sessions Judge,

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 25.02.2021*

*Let a copy of order No. 25 dt. 25.02.2021 be sent to Superintendent, Alipurduar  
District Correctional Home, for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**MACC**

Mat Suit NO. 36/21

Order No. 03 dt. 25.02.2021

*Today is fixed for SR and appearance.*

*Petitioner, Rupam Mondal is present and files hazira.*

*AD card is returned after service.*

*On calls OP, Smt Sonu Subba is found absent and none appears on behalf of her. Although, a time petition has been filed on behalf of OP without vakalatnama.*

*However, for the interest of justice, the OP is given an opportunity to file vakalatnama and also directed to file WS on the next day positively.*

*Fix **21.05.2021** for filing vakalatnama and WS by OP.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Mat Suit NO. 203/20

Order No. 20 dt. 25.02.2021

*Today is fixed for appearance and further order.*

*Petitioner, Smt Barsha Majhi is present by filing hazira.*

*On calls OP, Biswadeep Sarkar is found absent without step.*

*Ld Advocate for the petitioner is present.*

*Perused the record and find that the summons duly served upon the OP, Biswadeep Sarkar but on calls neither the OP nor any conducting Lawyer is appeared before this Ld court.*

*In this circumstances, the suit is fixed for Ex parte hearing.*

\* *Fix **20.04.2021** for Ex parte hearing.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 200/12  
GR Case No.2613/11  
Alipurduar PS Case No.694/11 dt.05.12.2011

Order No.58,  
dt. 25.02.2021

*Today is fixed for ER of WWA and evidence.*

*All [4] accused persons on CB are present by filing hazira.*

*Ld P P in-charge, Mr Basudeb Das as well as Ld defence counsel are present.*

*No ER of WWA has been received.*

*Perused the record and find that the fresh requisition of WWA as well as the request order passed by this Ld court was sent to the SP, Alipurduar for execution of WWA against witness, SI,Smt Kalsung Khema Sherpa vide process No. 22 dt. 13.01.2021 but no report has been received till today.*

*The SP, Alipurduar is hereby directed with request to look into the matter personally as to why the warrant has not still executed with keeping mind that this case is too old and evidence of SI,Kalsung Khema Sherpa is required who is the IO of this case.*

*Let a copy of order be sent to SP, Alipurduar for his information and compliance*

*within the date fixed.*

*Fix 23.06.2021 for ER of WWA and evidence.  
Accused as before. .*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 25.02.2021*

*Let a copy of order No. 58 dt. 25.02.2021 be sent SP, Alipurduar for his  
information and compliance within the date fixed.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 292/17  
GR Case No.282/17  
Kumargram PS Case No.33/17 dt.17.02.2017

Order No.40,  
dt. 24.02.2021

Today is fixed for cross-examination of PW2.  
Accused, Shyamal Chowdhury is produced from JC and he is taken into custody.  
Ld Defence counsel is present by filing a fresh Vakalatnama.  
Ld P P in-charge files hazira.  
No PW is present.  
SR is returned after service.

Seen the report of IC, Kumargram PS, it appears that the seized alamats of this case are lying before the Director-cum-Senior Chemical Examiner, Forensic Science Laboratory, 37/1/2 Belgachia Road, Kol-37 since 14.05.2017.

The IC, Kumargram PS is directed to go the Forensic Science Laboratory, 37/1/2 Belgachia Road, Kol-37 and collect seized alamats connexion of this case and produce the same before the Ld court on the date fixed, which are material evidence in this case.

IC, Kumargram PS is to keep mind that it your duty to collect seized alamats and produce the same before the Ld court failing which law will run in its own course against you.

In the above circumstances, the schedule for the evidence be shifted.

Let a copy of order be sent to IC, Kumargram PS for his information and compliance.

Accused Shyamal Chowdhury is further sent to JC till

Fix **20.04.2021** for production of seized alamats, production of accused, and evidence.

Issue fresh summons upon witness, Reshmi Rabi Das.

Prosecution to take step.

Dictated & corrected  
by me.

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 24.02.2021

Let a copy of order No. 40 dt. 24.02.2021 be sent to IC, Kumargram PS for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

**MACC Exe. Case No.03/20**

Order No. 5.  
dt. 22.02.2021

*Today is fixed for report from DA.*

*Decree holder files hazira through his Ld Advocate.*

*Judgment debtor, ICICI Lombard GIC Ltd., files a petition along with an Advocate's letter stating that the judgement debtor preferred an appeal being FMAT No. 10 of 2021 before the Hon'ble High Court, Calcutta and that appeal has been admitted with a direction to pay an account payee of Rs. 25,000/- in favour of Registrar General, High Court, Calcutta at an early date. The stay application will be moved after depositing the statutory amount u/s. 173(1) of M V Act.*

*Seen the report of DA it appears that the impugned execution case is found correct with verified the original case being No. MACC 5/2015.*

*Let it be kept with the record.*

*In view of the an Advocate's letter filed by the Judgment debtor, the case is adjourned today.*

*The judgment debtor is directed to bring Stay order from Hon'ble Appellate Court by the date fixed, otherwise, the instant execution case will run in its own course.*

*Fix **18.05.2021** for bringing the stay order from the Hon'ble Appellate court by the judgment debtor.*

*Dictated & corrected  
by me,*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal  
FTC-II, Alipurduar.*

S/C. 92/17  
GR Case No.2523/14  
Falakata PS Case No.906/14 dt.27.09.2014

Order No.26,  
dt. 22.02.2021

*Today is fixed for further evidence.*

*Out of [7] accused persons on CB, [4] accused persons, Abu Bakkar Mia, Jakir Hossain, Nur Begum and Tobatun Khatoon file absent petition and rest [3] accused persons, Asraf Hossain, Amu Hossain & Bulbul Hossain are absent without step.*

*Ld P P in-charge, takes no step and on calls he is found absent.*

*The time petition is taken up for hearing.*

*Ld Advocate for the accused submits that the accused persons reluctant and they are not turned before the Ld court in spite of giving information to them. So, necessary order may be passed.*

*Considered. Prayer for time is rejected.*

*Issue WA against all [7] accused persons*

*Fix **07.06.2021** for ER of WA.*

*Dictated & corrected*

by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.02.2021

Let a copy of order No. 7 dt. 20.02.2021 be sent to Ld Public Prosecutor,  
Alipurduar for his information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 234/19  
GR Case No.314/17  
Samuktala PS Case No.36/17 dt.16.02.2017

Order No. 7,  
dt. 20.02.2021

Today is fixed for appearance and framing of charge.

All [3] accused persons on CB are present by filing hazira.

Ld Defence counsel is present.

Ld P P in-charge, Mr Malay Biswas is absent on calls but one time petition has  
been filed on behalf of him.

None moves the time petition.

Perused the record carefully and find that a good number of times has been  
given to the prosecution for framing of charge but Ld prosecution has taken time on  
different pretexts.

This Ld court has got information that P P in-charge Mr. Malay Biswas is out of  
station since long time.

So, Ld Public Prosecutor, Alipurduar is requested to look into the matter and  
appoint one another P P in-charge for representing this case on behalf of the State.

Fix 20.04.2021 for appearance and framing of charge.

Let a copy of order be sent to Ld Public Prosecutor, Alipurduar for his information  
and necessary action.

Dictated & corrected  
by me.

Sd/-

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 20.02.2021

Let a copy of order No. 7 dt. 20.02.2021 be sent to Ld Public Prosecutor, Alipurduar for his information and necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

S/C. 176/14  
GR Case No.1014/14  
Falakata PS Case No.323/14 dt.29.04.2014

Order No. 49.  
dt. 20.02.2021

Today is fixed for evidence of Dr Rumi Maitra and IO, SI, Biraj Mukhapadhayay. Accused, Deobar Saibya on CB is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.

Ld P P in-charge as well as Ld Defence counsel are present.

No PW is present.

Perused the record, it is surprising enough that Ld court, number of times called the witness, Dr. Rumi Maitra and IO, SI, Biraj Mukhapadhayay with issuing summons upon them but they have not turned up before the Ld court,.

The Superintendent of department of FSM, North Bengal Medical College and

Hospital, Sushrutnagar, Darjeeling is directed with request to secure attendance of Dr Rumi Maitra, Demonstrator before the Ld court on the date fixed with keeping mind that it is a very old case and her evidence is necessary for adjudication of this case.

The SP, Alipurduar is hereby directed with request to secure the attendance of IO, SI, Biraj Mukhapadhyay [previously, posted at Falakata PS on 29.04.2014] before this Ld court on the date fixed with keeping mind that it is a very old case.

Fix **18.05.2021** for evidence of Dr Rumi Maitra & IO, SI, Biraj Mukhapadhyay.

Let a copy of order be sent to the Superintendent of department of FSM, North Bengal Medical College and Hospital, Sushrutnagar, Darjeeling & SP, Alipurduar along with fresh requisition of summons, for information and compliance.

Dictated & corrected  
by me.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 19.02.2021

Let a copy of order No.49 dt. 20.02.2021 be sent to the Superintendent of department of FSM, North Bengal Medical College and Hospital, Sushrutnagar, Darjeeling & SP, Alipurduar along with fresh requisition of summons, for information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Mat Suit NO. 135/19

Order No. 11 dt. 19.02.2021

Today is fixed for filing Show cause by the OP.  
Petitioner, Amarendra Kumar is present by filing hazira.  
OP, Smt Shyamali Prasad Shaw is absent by petition.

*Ld Advocate for the petitioner as well as Ld Advocate for the OP are present.*

*Ld Advocate for the OP frankly submits that the OP is reluctant and she does not turn before the Ld court in spite of giving assurance and he further prays to pass necessary order as your Honour's deem fit and proper.*

*Considered the submission Ld Advocate for the OP, the time petition is rejected and the suit is fixed for Ex parte hearing.*

*Fix 20.04.2021 for Ex parte hearing.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 94/2013  
GR Case No.76/97  
Alipurduar PS Case No.22/97 dt.27.01.1997*

*Order dt. 19.02.2021*

*Today is fixed for call for death report.*

*Both the accused persons, namely, Kesto Kujur & Sibol Kujur on CB are present by filing hazira.*

*Ld P P in-charge is absent without step.*

*No death report is received.*

*Perused the case record and find that a requisition was sent to Alipurduar PS for calling death report of deceased, accused, Binod Kujur, S/O Gorey Kujur of Purba Kathalbari, PS- Alipurduar vide process No. 110/19 but no report has yet been received.*

*IC, Alipurduar PS is hereby directed with request to look into the matter and collect the death report and produce the same before the Ld court on the date fixed.*

*Fix **09.04.2021** for death report and appearance.*

*Let a copy of order be sent to IC, Alipurduar PS for information and compliance.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 19.02.2021*

*Let a copy of order dt. 19.02.2021 be sent to IC, Alipurduar PS for information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

S/C. 215/2017

GR Case No.573/03

Jaigaon PS Case No.71/03 dt. 02.10.03

Order No. 11,  
dt. 19.02.2021

*Today is fixed for evidence.*

*Accused, Binod Kharia on CB is absent without step. On repeated calls neither the accused nor his conducting Ld Advocate is appeared before the Ld court.*

*Ld P P in-charge, Mr. Narayan Chandra Ghosh is present by filing hazira.*

*Perused the record and find that last date, ie., 18.02.2021 accused was also absent without step.*

*In this circumstances, having no alternative, issue WA against accused Binod Kharia.*

*Received a report from SP, Jalpaiguri, it appears that SI, Samir Kumar Bhattacharjee, being IO of this case has been retired from his service and now his residential address at Vill-2.5 mile Sebok Road, Siliguri, Sarbapally, Ward No. 42, PS- Bhaktinagar.*

*One another information received that one witness, Birshu Kharia is not alive so more, who died on 06.06.2020. A death certificate is present.*

*Let the name of witness, Birshu Kharia be expunged in the charge-sheet.*

*DA is to note.*

*Fix 20.04.2021 for ER of WA and appearance.*

*Let the date 20.02.2021 be shifted.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 05.02.2021*

*Let a copy of order No.33 dt. 05.02.2021 be sent to Ld. ACJM-II,  
Alipurduar, for information and taking necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*S/C. 18/2009  
GR Case No.483/01  
Birpara PS Case No. 46/2001*

*Order No. 19,  
dt. 05.02.2021*

*Record is put by order of put up petition.*

*[4] accused persons, namely, Rikesh Moktan, Biren Lama, Rajesh Kami &  
Jyoti Lama are voluntarily surrendered before the Ld Court and they are taken  
into custody.*

*Recalled WA.*

*One bail application is filed and moved on behalf of above named four  
accused persons.*

*Ld Advocate for the accused persons submits that they are innocent and  
have mistaken their date for appearance before this court. So, Ld court may  
mercy to the accused persons on bail.*

*Ld P P in-charge simply raises objection.*

*Considered the bail application, all four accused persons, namely, Rikesh Muktan, Biren Lama, Rajesh Kami & Jyoti Lama may find an interim bail of Rs.2000/- each with one registered surety, subject to the satisfaction of Ld ACJM-II, Alipurduar and on condition to appear each and every dates so fixed by Ld Court otherwise warrant will be issued automatically without reference.*

*Fix 24.03.2021 for appearance, if on bail & charge.*

*Let a copy of order be sent to ACJM-II, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 05.02.2021*

*Let a copy of order No.19 dt. 05.02.2021 be sent to Ld. ACJM-II, Alipurduar, for information and taking necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar, in-charge.*

S/C. 75/2020  
GR Case No.384/17  
Alipurduar PS Case No. 103/17 dt. 25.02.2017

Order No. 2,  
dt. 05.02.2021

*Today is fixed for appearance.*

*Accused, Bipul Mondal on CB is present by filing hazira.*

*Ld Defence counsel is present.*

*No Ld P P in-charge is present on calls.*

*Perused the record and find that no Ld P P in-charge has been appointed in this case for representing on behalf of the State.*

*Ld Public Prosecutor, is requested to allot a panelled P P in this case for representing on behalf of the State and also requested to appear before the Ld court along with appointment letter.*

*Fix **12.03.2021** for appearance and report of Ld P P, Alipurduar.*

*Let a copy of order be sent to Ld Public Prosecutor, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo No. \_\_\_\_\_ /F T C-II, dt. 05.02.2021*

*Let a copy of order No.33 dt. 05.02.2021 be sent to Ld. ACJM-II,  
Alipurduar, for information and taking necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

**MACC 13/19**

Order No. 11  
dt. 05.02.2021

*Today is fixed for evidence.*

*The Petitioner and OP No. 2, Bajaj Allianz GIC Ltd., file their Lawyer's  
hazira.*

*The petitioner files a petition with praying to take up from the P Board.*

*One another petition u/O 6 Rule 17 of CPC filed by the petitioner supported  
by an affidavit. By the instant application, the petitioner has sought permission for  
amendment the plaint as per proposed schedule.*

*Copy served.*

*The instant amendment petition is taken up for hearing.*

*Heard Ld Lawyers of both sides.*

*Perused the proposed schedule and find that it is formal in nature and clerical mistake, no will be prejudiced.*

*In this circumstances,*

*Hence,*

*it is ordered :*

*that the amendment petition u/O 6 Rule 17 of C P C filed by the petitioner is considered and allowed on contest but without cost.*

*Let the proposed amendment is inserted.*

*DA is to note.*

*Fix 11.05.2021 for evidence.*

*Dictated & corrected  
by me,*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC Tribunal  
FTC-II, Alipurduar.*

S/C. 85/2017  
GR Case No.613/05  
Falakata PS Case No. 141/05

Order No. 33,  
dt. 05.02.2021

*Today is fixed for bail hearing.*

*Ld P P in-charge as well as Ld Defence counsel are present.*

*The bail application dt. 02.02.2021 filed the accused/petitioner, Pintus Toppo is taken up for hearing.*

*Heard Ld Lawyers of both sides.*

*Perused the bail application, charge-sheet and materials available in LCR, it appears that the accused person is in custody since 12.01.2021. The charge-sheet is lying in the record.*

Considering the detention, the accused, namely, Pintus Toppo may find an interim bail of Rs. 10,000/- with two sureties of Rs. 5,000/- each, subject to the satisfaction of Ld ACJM-II, Alipurduar till 22.02.2021 and on condition to appear each and every dates so fixed by Ld Court otherwise warrant will be issued automatically without reference.

Fix **22.02.2021** for appearance, if on bail.

Let a copy of order be sent to ACJM-II, Alipurduar for information and necessary action.

Dictated & corrected  
by me.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar,

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 05.02.2021

Let a copy of order No.33 dt. 05.02.2021 be sent to Ld. ACJM-II, Alipurduar, for information and taking necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar, in-charge.

**S/C. 97/2013**  
**G R Case No. 2586/12**  
**Samuktala PS Case No. 330/12**

Order No.61,  
dt. 05.02.2021

*Today is fixed for evidence of Dr Subrata Halder & SI, Sankar Majumder.  
Both the accused persons on CB are present by filing hazra.  
Ld P P in-charge and Ld Defence counsel are present.  
No PW is present.*

*Perused the record and it appears that a good number of times issued summons by this Ld court causing servicing upon the witness, Dr Subrata Halder and SI, Sankar Majumder but no fruitful result came out.*

*However, a fresh requisition of summons have been issued.*

*The Director of Health, Sasthya Bhawan, Salt Lake, is hereby directed with request to secure attendance of Dr Subrata Halder [autopsy surgeon, previously posted at MJN Hospital, Coochbehar, PS Kotwali, District- Coochbehar on 16.11.2012] causing servicing upon him through any competent person and inform to this Ld court.*

*The SP, Alipurduar is hereby directed with request to secure attendance of IO, SI, Sankar Majumder before this Ld court on the date fixed, who was posted at Samuktala PS on 14.07.2012.*

*Fix **07.04.2021** for evidence of doctor & IO.*

*Let a copy of this order be sent to the Director of Health, Sasthya Bhawan, Salt Lake and the SP, Alipurduar for their information and compliance.*

*Both the accused persons must be present.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 05.02.2021.

*Let a copy of the order No. 61 dt. 05.02.2021 be sent to the Director of Health, Sasthya Bhawan, Salt Lake and the SP, Alipurduar for their information and compliance.*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**S/C. 273/2017**  
**G R Case No. 767/10**  
**Kumargram P S case No.87/2010**

S/C. 47/2015  
GR Case No.3411/14  
Jaigaon PS Case No. 318/14 dt. 24.12.14

Order No. 33.  
dt. 22.01.2021

*Today is fixed for production.*

*Accused, Dipak Shil is produced from JC and he is taken into custody.*

*A bail application is filed and moved on behalf of above named accused person.*

*Recalled WA.*

*Considered.*

*The accused, Dipak Shil may find a bail of Rs. with two sureties of Rs. - each, subject to the satisfaction of Ld ACJM-II, Alipurduar and on condition to appear each and every dates so fixed by Ld Court otherwise warrant will be issued automatically without reference.*

*Fix **18.03.2021** for appearance, if on bail.*

*Let a copy of order be sent to ACJM-II, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar,*

Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No. \_\_\_\_\_ /F T C-II, dt. 22.10.2020

Let a copy of order No.33 dt. 22.01.2021 be sent to Ld. ACJM-II, Alipurduar, for information and taking necessary action.

Addl. Sessions Judge,  
FTC-II, Alipurduar, in-charge.

**MISC.[A] 14/2014**

Order No.29.  
dt. 04.02.2021

Today is fixed for receipt of LCR.

Appellant files Lawyer's hazira.

No LCR is received.

Ld Civil Judge, Jr. Division, Alipurduar is hereby requested to send the LCR being No. TS1/2007 which has been called in connexion with this case since long time.

Fix **04.03.2021** for LCR.

Let a copy of order be sent to Ld Civil Judge, Jr. Division, Alipurduar for her information.

Dictated & corrected  
by me,

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,**  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_\_ /FTC-II

dt. 04.02.2021.

*Let a copy of order No. 29 dt. 04.02.2021 be sent to Ld Civil Judge, Jr. Division,  
Alipurduar for her information.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

**S/C. 193/2018**  
**G R Case No. 392/15**  
**Samuktala P S case No.65/15 dt. 31.01.15**

Order No.12.  
dt. 04.02.2021

*Today is fixed for ER of WPA.  
Ld P P in-charge Mr. Kallol Nag is present.  
No ER of WPA is received.*

*Perused the record and find that the requisition of WPA has not been sent to the concerned PS.*

*In this circumstances, the case is adjourned today. The OC, Samuktala PS is directed to execute WPA against the warrantee accused person, Bartul Lama Murmu with keeping in mind the provision of section 82 & 83 of Cr P C.*

*Fix **17.04.2021** for ER of WPA.*

*Let a copy of order along with requisition of WPA be sent to the OC, Samuktala PS for his information and compliance.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Office of the Additional Sessions Judge,**  
*Fast Track 2<sup>nd</sup> Court, Alipurduar.*

Memo NO. \_\_\_\_\_/FTC-II

dt. 04.02.2021.

Let a copy of order No. 12 dt. 04.02.2021 along with requisition of WPA be sent to the OC, Samuktala PS for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 18/2009**  
**G R Case No. 483/01**  
**Birpara P S case No.46/2001**

Order No.18,  
dt. 04.02.2021

Today is fixed for appearance & charge.

All [4] accused persons on CB are absent by petition.

Ld P P in-charge, Mr. Basudeb Das is present.

The time petition is taken up for hearing.

On repeated calls, Ld defence counsel is found absent.

Perused the time petition and find that the ground stated therein is not sufficient.

Hence, the time petition is rejected.

Perused the record and find that the conduct of the accused persons is not so good. So, having no alternative issue WA against all [4] accused persons to secure their attendance before the Ld Court.

The OC, Birpara PS is hereby directed to execute WA against the warrantee accused persons through any competent person with keeping mind that this case is too old.

Fix **24.03.2021** for ER of WA.

Let a copy of order along with requisition of warrants be sent to the OC, Birpara PS for his information and compliance.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 04.02.2021.

*Let a copy of order NO. 18 along with requisition of warrants be sent to the OC,  
Birpara PS for his information and compliance*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**Criminal Revision. 20/20**

Order No. 2.  
dt. 02.02.2021

*Today is fixed for hearing of the criminal revision application.  
Petitioners are present by filing hazira.  
OP No. 2, Smt Sita Debi Roy is also present by filing hazira.  
Ld Advocate for the petitioner as well as Ld Advocate for the OP are also present.  
One petition has been filed on behalf of the petitioner with praying to extend the  
stay order which is passed by this Ld Court on 13.10.2020.  
Considered.  
Let the stay order dt. 13.10.2020 be extended till the next date.  
Ld Advocate for the petitioner pointed out that none appears on behalf of State.*

So, Ld Advocate for the State should be informed.

Considered.

Inform to Ld P P, Alipurduar for representing on behalf of State.

Fix **06.03.2021** for hearing of the criminal application.

All the parties must come ready.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**S/C. 380/17**  
**G R Case No. 592/03**

Order No.18,  
dt. 01.02.2021

Today is fixed for appearance & charge.

Both the accused persons on CB are present by filing hazira.

Ld P P in-charge, Mr Rahual Dhar takes no step.

On repeated calls, Ld P P in-charge found absent.

Perused the record and find that Ld P P in-charge has not been turned upon before this Ld court since long in spite of several directions and requests by Ld court.

Ld P P, Alipurduar is hereby requested to secure attendance of Ld P P in-charge Mr. Rahul Dhar before this Ld court on the date fixed for representing on behalf of State.

Fix-**02.03.2021** for appearance & charge.

Let a copy of order be sent to the Ld P P, Alipurduar for his information .  
Accused as before.

Dictated & corrected  
by me,  
Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 01.02.2021.

Let a copy of order No. 18 dt. 01.02.2021 be sent to the Ld P P, Alipurduar for his information.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 200/17**  
**G R Case No. 268/1988**

Order No.32,  
dt. 01.02.2021

Today is fixed for evidence.

Both the accused persons on CB are absent by petition and they are represented through their Ld Advocate u/s.317 of Cr P C.

Ld P P in-charge, Mr Sankar Das as well as Ld Defence counsel are present.

No PW is present.

Perused the record and find that witness warrant against SI, P K Mani is pending since long time.

The SP, Alipurduar is directed with request to executeailable warrant against witness,SI,P K Mani [previously posted on 03.04.1988 as OC, Birpara PS] by/through any competent person, of Rs. 500/- with one surety, subject to condition to appear before the Ld Court on the date fixed.

Ld P P in-charge prays that a fresh schedule may fixed for remaining witness.

Considered.

Fix-**29.04.2021** for ER of WA and evidence of CSW No. 1,

30.04.2021	"	"	CSW NO. 2 & 3
03.05.2021	"	"	CSW No. No. 4 & 5.
04.05.2021	"	"	CSW No. 6 & 7.
05.05.2021	"	"	CSW NO. 8, 9 & 10.

Issue summons at once.

Prosecution to take step accordingly.

Let a copy of order be sent to the SP Alipurduar along fresh requisition of warrant PS, for his information and compliance.

Both the accused persons must be present on the date fixed.

Dictated & corrected  
by me,

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,**  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_\_/FTC-II

dt. 01.02.2021.

Let a copy of order No. 29 dt. 01.02.2021 be sent to the SP Alipurduar along fresh requisition of warrant PS, for his information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 291/17**  
**G R Case No. 1414/11**

Order No. 28  
dt. 28.01.2021

Today is fixed for evidence.

All [4] accused persons on CB are absent by petition and represented through his Ld Advocate u/s.317 of Cr P C.

Ld P P in-charge, Mr Dulal Ghosh is found absent on calls in spite of filing hazira. Later on he is present in court today.

Ld Defence counsel is present.

No PW is present.

Ld Defence counsel submits that a fresh schedule may be fixed for adducing evidence.

Considered.

Fix-**24.02.2021** for EVIDENCE of CSW No. 1, Inspector, Sudip Bhattacharjee.

" 25.02.2021 "" "" " Nos. 2 & 3.

" 26.02.2021 "" "" "" Nos. 7 & 9.

Issue summons accordingly.

Prosecution to take step.

The seized alamat, must be produced by OC, Birpara PS.

The S P, Alipurduar is directed with request to secure attendance of Inspector, Sudip Bhattacharjee [DEB, Alipurduar, posted on 06.07.2011] before this Ld Court on the date fixed.

Let a copy of order be sent to SP, Alipurduar and one another copy sent to OC, Birpara PS, for information and compliance.

Accused as before.

Dictated & corrected  
by me,

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 28.01.2021.

Let a copy of order NO. 28 dt. 28.01.2021 be sent to SP, Alipurduar and one another copy sent to OC, Birpara PS, for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 210/12**

Order No. 80  
dt. 27.01.2021

Today is fixed for evidence.

Out of [ 5] accused persons, [4] accused persons on CB are present by filing hazira and one accused person, namely, Fatik @ Manik Das is absent by petition and he is represented through his Ld Advocate u/s.317 of Cr P C.

Ld P P in-charge, Mr Dulal Ghosh is found absent.

Ld Defence counsel is present.

No PW is present.

Ld Defence counsel submits that a fresh schedule may be fixed for adducing

evidence.

Considered.

Fix-**26.04.2021** for EVIDENCE of CSW No. 20 & 21.

“ 27.04.2021 “” “” “ No. 22 & 24.

“ 28.04.2021 “” “” “” Nos. 25 & 27.

Issue summons accordingly.

Prosecution to take step.

The seized alamat, if any, be produced.

Accused as before.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**S/C. 11/19**

Order No. 10 dt. 27.01.2021

Today is fixed for evidence.

All [21] accused persons on CB are present by filing hazira.

Ld P P in-charge as well as Ld Defence counsel are present.

No PW is present.

Ld P P in-charge submits that a fresh schedule may be fixed for adducing evidence.

Considered.

Fix-**26.04.2021** for EVIDENCE of CSW No. 1.

“ 27.04.2021 “” “” “ No. 2 &3.  
“ 28.04.2021 “” “” “” Nos. 4 & 5.

*Issue summons accordingly.  
Prosecution to take step.  
The seized alamat, if any, be produced.  
Accused as before.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 66/13**  
**GR Case No. 2375/2012**

Order No. 52 dt. 22.01.2021

*Accused, Birbal Kharia is brought under arrest by Kalchini PS along with Memo of arrest, out door ticket and requisition of warrant.*

*He is taken into custody.*

*No bail application is filed and moved on behalf of said accused, Birbal Kharia.*

*Accused Birbal Kharia states before the Ld court that he has no Lawyer and would not engage any Lawyer due to poverty. He prays for appointing a panelled Lawyer for representing his case.*

*Considered.*

*The Chairman, SDLSC, Alipurduar is requested to appoint a panelled Lawyer in favour of accused, Birbal Kharia for representing his case.*

*Fix-19.02.2021 for production & appointment of Ld Advocate from the panel of SDLSC, Alipurduar.*

*Let a copy of order be sent to the Chairman,SDLSC, Alipurduar for information.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 22.01.2021.

*Let a copy of order NO. 52 dt. 22.01.2021 be sent to the Chairman, SDLSC,  
Alipurduar for information.*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**S/C. 416/17**  
**GR Case No. 1582/16**

Order No. 25 dt. 22.01.2021

*Today is fixed for evidence.*

*Out of [5] accused persons on CB, [4] accused persons namely, are present by filing hazira and [1] accused person, namely, Kundan Bhujel is absent without step.*

*Ld P P in-charge as well as Ld Defence counsel are present.*

*Ld Advocate for the accused person frankly submits that the accused, Kundan Bhujel has lost contract with his Ld Advocate and therefore, she is unable to submit any thing on behalf of that accused and prays to passing necessary order.*

*Considered. Issue WA against the accused, Kundan Bhujel.*

*OC, Madarihat PS is directed to execute the WA through any competent person and submit the compliance report before this Ld Court by **03.05.2021**.*

*Fix-**03.05.2021** for report from OC, Madarihat PS and ER of WA & appearance.*

*Let a copy of order be sent to OC, Madarihat PS along with requisition of warrant for information and compliance.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 22.01.2021.

Let a copy of order NO. 25 dt. 22.01.2021 be sent to Madarihat PS for information and compliance

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**MACC 52/18**

Order No. 15  
dt. 22.01.2021

Today is fixed for hearing on the petition dt. 23.12.2019.  
Petitioner and OP No. 2 file their Lawyer's hazira.

*Ld Advocate for the petitioner is present but on calls Ld Advocate for the OP No. 2 is absent.*

*Two petitions dt. 23.12.2019 filed by OP No. 2 with prayer for vacating Ex-parte hearing as well as acceptance of WS with condones of delay are taken up for hearing.*

*Ld Advocate for the petitioner submits that both petitions may be allowed on consent.*

*Under the above circumstances,*

*Hence,*

*it is ordered :*

*that both petitions dt.23.12.2019 filed by OP No. 2 are considered and allowed on consent but without cost.*

*Let the OP No. 2 be permitted to contest this suit and WS filed by OP NO. 2 on 23.12.2019 be accepted.*

*Fix **08.04.2021** for framing of issues.*

*Dictated & corrected  
by me,*

*Judge, MAC Tribunal,  
**FTC-II, Alipurduar.***

*Judge,MAC Tribunal  
**FTC-II, Alipurduar.***

Order No. 99 dt. 22.01.2021

*Today is fixed for further Argument.*

*Out of [5] accused persons on CB, [3] accused persons namely, Kabir Ansari, Afjal Ansari and Sabiran Bibi are present by filing hazira and [2] accused persons, namely, Sabir Ansari & Nur Jahan Bibi are found absent without step.*

*Ld P P in-charge files hazira.*

*On calls, none appears on behalf the above said absentee accused persons.*

*In this circumstances, issue WA against both the accused persons, Sabir Ansari and Nur Jahan Bibi.*

*OC, Samuktala PS is directed to execute the WA through any competent person and submit the compliance report before this Ld Court by **12.02.2021**.*

*Fix-**12.02.2021** for report from OC, Samuktala PS and ER of WA.*

*Let a copy of order be sent to OC, Samuktala PS along with requisition of warrant for information and compliance.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 22.01.2021.

*Let a copy of order NO. 99 dt. 22.01.2021 be sent to Samuktala PS for information and compliance*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**MAT Suit. 170/19**

Order No. 14 dt. 21.01.2021

*Today is fixed for argument and order.  
Petitioner files Lawyer's hazira.  
Respondent files a time petition as grounds stated therein.  
On calls, none moves the time petition.  
Hence, the time petition is rejected.  
Heard Argument on the side of the petitioner.*

*Fix **29.01.2021** for Ex-parte order.*

*Dictated & corrected  
by me,*

*Addl. District Judge,  
FTC-II, Alipurduar.*

*Addl. District Judge,  
FTC-II, Alipurduar.*

**MACC 29/17**

Order No. 31 dt. 21.01.2021

*Today is fixed for further PW.*

*OP No. 2 files Lawyer's hazira.*

*Ld Advocate for the petitioner files a petition.*

*By the instant petition the petitioner has sought for permission to adduce the evidence of Pradhan, Khayerbari GP for formal proving the trade license which is lying in the record as marked 'X' for identification.*

*Considered.*

*The petitioner is permitted.*

*Issue summons accordingly.*

*Fix **05.04.2021** for evidence of Pradhan, Khayerbari GP.*

*Dictated & corrected  
by me,*

*Judge, MAC Tribunal,  
**FTC-II, Alipurduar.***

*Judge,MAC Tribunal  
**FTC-II, Alipurduar.***

**S/C. 285/18**  
**GR Case No. 989/17**

Order No. 13 dt. 21.01.2021

*Today is fixed for ER of WA.*

*No ER of WA is received.*

*Perused the record and find that the requisition of warrant sent to Alipurduar PS for execution against the accused, Piku Pashi, S/O Surajvan Pashi of North Point, Damanpur, Hathkhola, PS- Alipurduar vide process No.521.19 dt. 28.11.2019.*

*The IC, Alipurduar PS is directed to look after this matter personally and submit compliance before this Ld court on the date fixed.*

*Fix-**25.03.2021** for report from IC, Alipurduar PS and ER of WA.*

*Let a copy of order be sent to IC, Alipurduar PS for information and compliance.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Office of the Additional Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.**

Memo NO. \_\_\_\_\_/FTC-II

dt. 21.01.2021.

*Let a copy of order NO. 13 dt. 21.01.2021 be sent to Alipurduar PS for information and compliance*

**Addl. Sessions Judge,  
FTC-II, Alipurduar.**

**S/C. 285/19**  
**GR Case No. 1093/19**

Order No. 12 dt. 21.01.2021

*Today is fixed for appearance and charge.*

*Accused, Salem Lakra is found absent.*

*Ld Advocate for the accused person submits with a petition that accused, Salem Lakra is in custody in connexion with GR Case No. 2247/20 dt. 04.012.2020 u/s.*

448/376/511/506 of I P C. He is now in Alipurduar Correctional Home and prays to issue production warrant.

Considered. Issue production warrant.

The superintendent, Alipurduar Correctional Home is directed to produce the accused, Salem Lakra before this court on the date fixed.

Fix **[06.02.2021]** for production.

Let a copy of order be sent to Alipurduar Correctional Home for information and compliance.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,**  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_\_/FTC-II

dt. 21.01.2021.

Let a copy of order NO. 12 dt. 21.01.2021 be sent to Alipurduar Correctional Home for information and compliance

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 113/19**

Order No. 11 dt. 21.01.2021

Today is fixed for appearance and evidence.

All [3] Accused persons on CB are present by filing hazira.

Accused, Mohit Sarma files a petition with praying for extension of ad-interim bail.

Considered. Let ad-interim bail be extended till next date.

Ld P P in-charge as well as Ld Defence counsel are present.

No PW is present.

Perused the record that find that the requisition of summons have not been submitted in this case causing servicing upon the witnesses.

So, the case is adjourned today and a fresh schedule is fixed as follows :

Fix **[05.04.2021]** for evidence of CSW No. 1

06.04.2021 " " of CSW No. 2,

07.04.2021 " " of CSW No. 3,

08.04.2021 " " of CSW No. 4

09.04.2021 " " of CSW No. 5.

Issue summons at once.

Prosecution to take step.

Let the date 22.01.2021, 25.01.2021, 27.01.2021 & 28.01.2021 be shifted.

The IC, Alipurduar PS was directed to produce seized alamat in this case, vide process Noi. 223 dt. 16.12.20 seized alamat is produced before this Ld court today.

The IC, Alipurduar PS is hereby directed to file a written explanation as to why the court's order has not been complied.

Let a copy of order be sent to Alipurduar PS for information and compliance.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Office of the Additional Sessions Judge,**  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_\_/FTC-II

dt. 21.01.2021.

Let a copy of order No.11 dt. 21.01.2021 be sent to IC, Alipurduar PS, District-Alipurduar for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 353/2018**

Order No. 26 dt. 21.01.2021

Today is fixed for production and evidence.

Accused, Narayan Barman is produced from Jcand he is taken into custody.

Ld P P as well as Ld Defence counsel are present.

No PW is present.

Perused the record that find that the doctor, Ld Magistrate and IO are not

*examined till today. So, a fresh schedule may be fixed.*

*Fix [20.03.2021] for evidence of Ld Magistrate, Saurav Adak  
22.03.2021 “ ” of Dr. Pranabesh Bharatee &  
23.03.2021 “ ” of IO, SI, Gour Chandra Roy*

*Issue summons at once.*

*Prosecution to take step.*

*Accused, Narayan Barman is further sent to JC till 20.03.2021.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

Mat Suit No.256/19

Order No. 8 dt. 20.01.2021

Today is fixed for filing WS by the OP.  
The petitioner files Lawyer's hazira.  
The OP, Ramen Fukan is absent without step.  
On calls, his conducting Ld Advocate is also absent.  
Perused the record and find that the OP has neither filed WS nor taken any step.  
In this circumstances, the suit is fixed for Ex parte hearing.

Fix **04.02.2021** for Ex-parte hearing of the suit.

Dictated & corrected  
by me,

Addl. District Judge,  
FTC-II, Alipurduar.

Addl. District Judge,  
FTC-II, Alipurduar.

**S/C. 213/2013**  
G R Case No. 651/2003

Order No. 18 dt. 20.01.2021

Today is fixed for appearance and framing of charge.  
Out of [97] accused persons on CB, [66] are present by filing hazira and [26] accused persons are absent by petition and represented through their Ld Advocates u/s. 317 Cr P C.  
Ld P P in-charge as well as Ld Defence counsels are present.  
Ld Advocate for the accused persons informed before this court with a petition that accused, Sabitri Baraik, Amit Minj, Charoa Kujur, Marianus Lakra and Rajen Lakra are not alive, who are dead.  
Call for death report of the above deceased accused persons from the Falakata PS.

Sabitri Baraik W/o Faguram Baraik, Amit Minj S/O Sukra Minj, Rajen Lakra S/O Abaram Lakra & Marianus Lakra S/O Edward Lakra, all are from Dalgaon TG, PS- Falakata and Charoa Kujur S/O Late Lebra Kujur of Boro Line, Tasatee Tea Garden, PS- Falakata.

Firx **[23.03.2021]** for appearance and death report from Falakata PS.

Let a copy of order be sent to IC, Falakata PS, Alipurduar for information and compliance.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

*Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo NO. \_\_\_\_\_/FTC-II*

*dt. 20.01.2021.*

*Let a copy of order No.18 dt. 20.01.2021 be sent to IC, Falakata PS, Alipurduar for information and compliance.*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

**S/C. 223/2019**

**G R Case No. 379/03**

**Jaigaon PS case No. 97/04 dt. 09.12.04**

**Order No. 9 dt. 20.01.2021**

*Record is put up by order of a put up petition.  
Accused, Asok Sah is voluntarily surrendered before the Ld Court.  
Accordingly, recalled WA.*

*A bail application is filed and moved on behalf of Asok Sah.*

*Considered.*

*Accused, Asok Sah may find bail of Rs. 500/- with one registered surety subject to the satisfaction of Ld ACJM-II, Alipurduar on condition to appear each and every date so fixed by the court.*

*Todate [09.02.2021] for appearance, if on bail.*

*Let a copy of order be sent to ACJM-II, Alipurduar for information and necessary action.*

*Dictated & corrected  
by me,*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo NO. \_\_\_\_\_/FTC-II*

*dt. 19.01.2021.*

*Let a copy of order No.9 dt. 19.01.2021 be sent to ACJM-II, Alipurduar information and necessary action.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 84/2020**

Order No. 3 dt. 19.01.2021

*Today is fixed for production.*

*Accused, Bikash Oraon is produced from JC and he is taken into custody.*

*Ld P P is present.*

*Accused, Bikash Oraon submits that Ld Advocate, Mrs. Gopa Kundu is his Ld Advocate for contesting this case but today on call she is found absent.*

*No bail application is filed and moved on behalf of said accused person.*

*In circumstances, the case is adjourned today.*

*Fix **20.02.2021** for production and consideration of charge.*

*Accused, Bikash Oraon is further sent to JC till 20.02.2021.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 84/2020**

Order No. 3 dt. 19.01.2021

*Today is fixed for production.*

*Accused, Bikash Oraon is produced from JC and he is taken into custody.*

*Ld P P is present.*

*Accused, Bikash Oraon submits that Ld Advocate, Mrs. Gopa Kundu is his Ld Advocate for contesting this case but today on call she is found absent.*

*No bail application is filed and moved on behalf of said accused person.*

*In circumstances, the case is adjourned today.*

*Fix **20.02.2021** for production and consideration of charge.*

*Accused, Bikash Oraon is further sent to JC till 20.02.2021.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 103/2017**

**G R Case No. 2030/13**

Order No. 33 dt. 19.01.2021

*Today is fixed for further evidence.*

*Out of [5] accused persons on CB, [4] accused persons are present by filing hazira and one accused, Susen Pandit is absent by petition and he is represented through his Ld Advocate u/s. 317 Cr P C.*

*Ld P P in-charge as well as Ld Defence counsel are present.*

*No PW is present.*

*Ld P P in-charge submits that the evidence of two witnesses, namely, Dr. Tapas Chandra Sarkar and IO, SI, Khir Prasad Roy are required.*

*Considered.*

*Issue summons accordingly.*

*Prosecution to take step.*

*Fix **26.03.2021** for evidence of two witnesses, namely, Dr. Tapas Chandra Sarkar and IO, SI, Khir Prasad Roy.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 151/2017**  
**G R Case No. 317/96**

**Order No. 29 dt. 19.01.2021**

*Today is fixed for further cross-examination of PW3, Krishna Sarkar.*

*Out of [4] accused persons on CB, [3] accused persons are present by filing hazira and one accused person, Parimal Roy is absent by petition and he is represented through his Ld Advocate u/s. 317 of Cr P C.*

*Ld P P in-charge as well as Ld Defence counsel are present.*

*No PW is present.*

*Perused the record and find that a bailable warrant was issued against witness, Krishna Sarkar vide process No. 527/19 dt. 28.11.2019.*

*The IC, Falakata PS was directed to execute warrant and submit the compliance*

report but till today no report has been received.

The IC, Falakata PS is given a last opportunity to execute witness warrant against witness, Krishna Sarkar by the date fixed a submit report before this Ld court.

Fix **18.03.2021** for ER of WWA and cross-examination of PW3, Krishna Sarkar.

Let a extract copy of order along with warrant against Krishna Sarkar, be sent to IC, Falakata for information and compliance.

Dictated & corrected  
by me,

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Sd/-

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo NO. \_\_\_\_\_/FTC-II

dt. 19.01.2021.

Let a extract copy of order No. 29 dt.19.01.2021 along with warrant against Krishna Sarkar, be sent to IC, Falakata for information and compliance.

Addl. Sessions Judge,  
**FTC-II, Alipurduar.**

**S/C. 223/2019**  
**G R Case No. 379/03**

Order No. 8 dt. 18.01.2021

Today is fixed for appearance, production and charge.

Accused, Raju Rava is produced from JC and he is taken into custody.

Accused, Asok Sah is absent by a petition.

Neither the P P in-charge nor conducting Ld Advocate for the accused is present.

On calls, none moves the time petition on behalf of accused, Asok Sah.

*Hence, the time petition is rejected.*

*Issue WA against accused, Asok Sah.*

*Perused the record and find that no panel Ld Advocate has representing on behalf of the State since long time.*

*The Public Prosecutor, Alipurduar is requested to look into the matter and to allot a panel lawyer in this case for representing on behalf of the State.*

*The Extract copy of sent to Public Prosecutor, Alipurduar for information and compliance.*

*Accused, Raju Rave is further sent to JC till 09.02.2021.*

*Fix **09.02.2021** for ER of WA and production.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 125/2019**  
**G R Case No. 328/19**

**Order No. 13 dt. 18.01.2021**

*Today is fixed for evidence of CSW No. 3.*

*Sole accused, Ram Krishna Das is produced from JC and he is taken into custody.*

*Ld P P In-charge as well as Ld defence counsel are present.*

*No PW is present.*

*Perused the record and find that the requisition of summons has not been submitted by the Ld Prosecution for causing servicing upon the witnesses.*

*The prosecution is further directed with a request to file requisition of summons of the listed witnesses so-called before this Ld court in the mean time.*

*Seized alat is produced from Alipurduar PS and it returned back the same.*

*IC, Alipurduar PS is further directed to produce the seized alat be produced on the next date positively.*

*Accused is further sent to JC till 11.02.2021.*

*Fix **11.02.2021** for evidence of CSW No.1.*

*12.02.2021 " " No. 2.*

*15.02.2021 " " No. 3.*

*17.02.2021 " " No. 4*

*18.02.2021 " " No. 5.*

*Issue summons at once.*

*Prosecution to issue summons accordingly.*

*Let a copy of order be sent to the IC, Alipurduar PS his information and compliance.*

*Accused as before.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo NO. \_\_\_\_\_/FTC-II*

*dt. 18.01.2021.*

*Let a copy of order No. 13 dt. 18.01.2021 be sent to IC, Alipurduar PS for his*

information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**S/C. 71/2015**  
**G R Case No. 2989/13**

Order No. 49 dt. 18.01.2021

Today is fixed for further evidence.

Sole accused, Partha Mondal on CB is present by filing hazira.

Ld P P In-charge as well as Ld defence counsel are present.

No PW is present.

Ld P P in-charge orally submits that a fresh schedule may be fixed for remaining witnesses.

Considered.

Fix **16.03.2021** for evidence of CSW Nos. 4 & 5.

17.03.2021       "                               " Nos. 6 & 7.

18.03.2021       "                               " Nos. 8 & 9.

Issue summons at once.

Prosecution to issue summons accordingly.

IO, Tapas Chandra Nandi is hereby directed to appear before the Ld Court personally on 16.03.2021.

Let extract copy of order be sent to the SP, Alipurduar for causing serving copy of this order to IO, SI, Tapas Chandra Nandi for his information.

Accused as before.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo NO. \_\_\_\_\_/FTC-II*

*dt. 18.01.2021.*

*Let a extract copy of order No. 49 dt. 18.01.2021 be sent to SP, Alipurduar along with requisition of summons for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Misc Case 15/2018**

**Order No. 21 dt. 13.01.2021**

*The record is put up for passing order on the petition dt. 27.11.2019.*

*The petitioner and OP filed respective haziras through their Ld Advocates.*

*Perused the petition dt. 17.11.2019 filed by the petitioner u/O 6 R 17 C P C which is duly verified one. By the instant application, the petitioner has sought for amendment*

*in his plaint as per proposed schedule.*

*The proposed schedule of amendment is formal in nature. If it is allowed, the OP will not be prejudiced.*

*Hence,*

*it is ordered :*

*that the petition dt. 27.11.2019 u/O 6 R 17 C P C filed by the petitioner is considered and allowed but without cost.*

*Let the section 36 of Special Marriage Act will be applicable and section 37 of Special Marriage Act will be discarded.*

*DA to note.*

*Fix **10.03.2021** for issues.*

*Dictated & corrected  
by me,*

*Addl. District Judge,  
**FTC-II, Alipurduar.***

*Addl. District Judge,  
**FTC-II, Alipurduar.***

**S/C. 51/2020**

**Later :**  
**dt. 13.01.2021**

*After passing the above order accused, Hafiz Mia is present by filing late hazira.  
One petition on behalf of accused, Hafiz Mia has been filed with praying to recall  
WA as grounds stated therein.*

*Heard. Considered.*

*Let the WA be recalled.*

*Todate, i.e., **10.03.2021** for consideration of charge.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

*Addl. Sessions Judge,  
**FTC-II, Alipurduar.***

**S/C. 238/2017**  
**G R Case No. 1982/12**

**Order No. 25 dt. 13.01.2021**

*Today is fixed appearance and charge.*

*Out of [7] accused persons on CB, [2] accused persons, namely, Shibji Sah @ Shibjilal Sha and Firoj @ Abu Bakkar Siddique are present by filing hazira and rest [5] accused persons, Parvel @ Hassan Habib, Asraful, Rabiul Islam, Siraj and Ekramul are absent by petition and they are represented through their Ld Advocate u/s. 317 of Cr P*

C.

*Ld P P in-charge and Ld defence counsel are present.*

*The record is taken up for consideration of charge in respect of accused, Shibji Sah @ Shibjilal Sah.*

*Perused the FIR, CD, charge-sheet and other materialism on record it appears a that a prima facie case u/s. 489A/489B/489C/489D/489E of I P C is found against him.*

*Accordingly, the charge is framed.*

*The substance of acquisition of above said charges is read over and explained to the accused person in Bengali, who pleads not guilty by saying words, 'Ami Nirdosh' and claims for trial.*

*The substance of acquisition has been record in a separate sheet and be kept with the record.*

*Ld P P in-charge as well as defence counsel jointly submit with separate petitions that there are seven witnesses are examined in this case. So, their examination in chief as well as their cross-examination be adopted.*

*Considered. Prayer is allowed.*

*Ld P P in-charge submits that the first IO, SI, Arun KUMar Tamang is not examined in this case and his evidence is necessary.*

*Considered.*

*Prosecution to file requisition of summons at once.*

*The SP, Alipurduar is directed with request to take proper step for securing attendance of SI, Arun Kumar Tamang [previously posted at Madarihat PS dt. 03.09.2012] before this Ld court on the date fixed.*

*Let a extract copy of order be sent to SP, Alipurduar along with requisition of summons for his information and compliance.*

*Fix **08.03.2021** for evidence of first IO, namely, SI, Arun Kumar Tamang.*

*Dictated & corrected  
by me,*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Sd/-*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.*

*Memo NO. \_\_\_\_\_/FTC-II*

*dt. 13.01.2021.*

*Let a extract copy of order No. 25 dt. 13.01.2021 be sent to SP, Alipurduar along with requisition of summons for his information and compliance.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**In the Court of Additional District Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.  
District- Jalapaiguri**

Present : Shri Anil Kumar Prasad,  
Additional District Judge,  
F T C-II, Alipurduar.

**Matrimonial Suit No. 245/2019**  
**CIS Registration No.245/2019**

**Smt Satabdi Dey Sarkar [Seal].....Petitioner/wife,**

Versus.

**Shri Bidyut Seal @ Manu.....Respondent/husband**

**Order dt. 12.01.2021**

*Today is fixed for argument and passing Ex parte order of the suit.*

*Heard argument from the Ld Advocate for the petitioner in full.*

*Now, the case record is taken up for passing order.*

*The fact of the case is that the above mentioned petitioner has filed this case praying for decree of divorce on the ground of cruelty and desertion.*

*The marriage between the parties was held on 21.11.2007 according to Hindu Rites and Rituals. by fleeing away from home and started their conjugal life as husband and wife.*

*Since after the marriage the petitioner was tortured by the respondent on drunken condition, who was a habitual drunkard. Lastly on 15.01.2016 the respondent drove out the petitioner from her matrimonial house and finding no other alternative the petitioner took shelter in her parental home and since then she is residing in her parental house. There is no physical and mental relation between the parties since 15.01.2016. Finding no other alternative to file the instant suit praying for divorce.*

*In order to prove her case the petitioner has examined herself as PW1.*

*It is evident from evidence of PW1 that the content of the petition has corroborated by affidavit in chief.*

*Cruelty is a ground for divorce. Cruelty should be of the type which will satisfy the conscience of the court that the relationship of the parties had deteriorated to such extent that it has become impossible for them to live together without mental agony. The expression cruelty is not defined in this Act. The cruelty was understood to mean such conduct as to cause danger to life, limb or health or as to give rise to a reasonable apprehension of such danger. It is view of the Hon'ble Apex Court that cruelty postulates a treatment as to cause a reasonable apprehension in his or her mind that it would be harmful or injurious for the petitioner to live with the other party. As observed, cruelty, however, has to be distinguished from the ordinary wear and tear of family life. It cannot be decided on the basis of the sensitivity of the petitioner and has to be adjudged on the basis of course of conduct which would, in general, be dangerous for a spouse to live with the other. The court should consider whether the conduct of one party is such that it has become intolerable for the petitioner to suffer any longer and to live*

Contd.....2.

*together is impossible. This is to be judged not from a solitary incident but on an*

overall consideration of all relevant circumstances.

The petitioner has adduced that she was physically and mentally tortured by her husband for which she was driven out from her matrimonial home by her husband on 15.01.2016 and since then she is living at her parental home. The ground of torture has well proved.

The suit has also filed on the ground of desertion. The petitioner is separated from her husband since 15.01.2016. The ingredients of desertion has proved by her evidence.

In this case OP/husband has no appeared before this court in spite of receiving notice. So, the testimony of the petitioner is unchallenged.

Having considered the above discussion this court is of the view that the petitioner, Smt Satabdi Dey Sarkar [Seal] has proved her case against the OP/husband, Shri Bidyut Seal @ Manu. So, she is entitled to get decree as prayed for.

C/F paid is correct.

Hence,

it is

ordered :

that the Matrimonial Suit 245/2019 is hereby decreed Ex parte but without cost and her marriage tie with present respondent stands hereby legally terminated.

Let a copy of this order be handed over to the petitioner at once free of cost.

Dictated & corrected  
by me,

Sd/-

[Anil Kumar Prasad]

Addl. District Judge,  
F T C-II, Alipurduar.

Sd/-

[Anil Kumar Prasad]

Addl. District Judge,  
F T C-II, Alipurduar.

**S/C. 85/2017**

Order dt. 12.01.2021

Accused, Pintus Toppo @ Satish Toppo is brought under arrest on the strength of

WA issued 18.11.2017 by Falakata PS along with Memo of arrest, requisition of warrant, requisition of proclamation of attachment and medical paper.

Let it is be kept with the record.

No bail application is filed and moved on behalf above accused person, namely, Pintus Toppo @ Satish Toppo. He is taken into custody and forwarded to JC till 28.01.2021.

Fix **28.01.2021** for production.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**Mat Suit 297/2018**

Order No. 14 dt. 12.01.2021

Today is fixed for filing draft of the petitioner for publication.

*The Petitioner files Lawyer's hazira.*

*A draft copy has been filed by the petitioner for publication in local Newspaper.*

*Considered.*

*The DA is directed to verify the same and submit the report before the Ld court by 17.02.2021.*

*Fix 17.02.2021 for report by DA.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

Order No. 3 dt. 12.01.2021

*Today is fixed for hearing of the stay petition.*

*Petitioner files Lawyer's hazira.*

*OP No. 2 [State of West Bengal] also files hazira.*

*The instant stay petition is taken up for hearing.*

*During hearing, one point comes before this Ld court whether the interlocutory order would be liable under the criminal revision application or not ?*

*Ld Advocate for the petitioner prays a time for convincing this point on the next date.*

*In this circumstances, the case is adjourned today.*

*Requisition is lying with the record.*

*Issue the same.*

*Fix **06.02.2021** for hearing on the the above said maintainability point and SR.*

*Dictated & corrected  
by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**Criminal Revision. 33/19**

Order No. 3 dt. 12.01.2021

*Today is fixed for hearing of the criminal revision.*

*Petitioners and Ld P P in-charge file respective haziras through their Ld Advocates.*

*Ld Advocate for the petitioner submits with a petition that other two criminal*

revisions being No. 34 of 2019 and 35 of 2019 are subjudiced before this Ld court on same subject and cause of action as well as same relief. So, all these criminal revisions may be fixed for a single day for hearing.

Ld P P in-charge raises no objection on the prayer of the petitioner.

Under the above circumstances,

Hence,

it is ordered :

The other two criminal revision Nos. 34 of 2019 and 35 of 2019 are fixed on 01.03.2021 for hearing accompanied with this criminal revision.

Let the Criminal Revision case No. 34/ 2019 dt. 13.01.21 be shifted and one another criminal revision case No. 35 /2019 dt. 14.01.2021 be shifted.

DA is to note.

Fix **01.03.2021** for hearing.

Both parties must come ready.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Order No. 57 dt. 12.01.2021

Today is fixed for ER of WWA against IO, SI Smt Kalsang Khema Sherpa and evidence.

All [4] accused persons on CB are present by filing hazira.

Ld P P in-charge as well as Ld Defence counsel are present.

No PW is present.

Perused the record it appears that witness, SI Smt Kalsang Khema Sherpa

*[previously posted at Alipurduar PS on 27.01.2012] being the IO of this case, has not been turning before this Ld court in spite of repeated issued summons upon her since 21.11.2013.*

*Last date on 20.11.2019 this Ld court was pleased to issue witness warrant against her to secure her attendance before this Ld court causing her evidence is necessary for proper adjudication of this case.*

*The SP, Alipurduar is directed with request to execute the witness warrant against Ex-SI Smt Kalsang Khema Sherpa through any competent person and submit the compliance report before this Ld court by the date fixed.*

*Let a copy of order be sent to SP, Alipurduar along with fresh requisition of warrant for his information and compliance.*

*Fix **25.02.2021** for ER of WWA and evidence.*

*Accused as before.*

*Dictated & corrected*

*by me,*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

*Addl. Sessions Judge,  
FTC-II, Alipurduar.*

**S/C. 200/12**  
**G R Case No.2613/11**

**Order No. 57 dt. 12.01.2021**

*Today is fixed for ER of WWA against IO, SI Smt Kalsang Khema Sherpa and evidence.*

*All [4] accused persons on CB are present by filing hazira.*

*Ld P P in-charge as well as Ld Defence counsel are present.*

*No PW is present.*

Perused the record it appears that witness, SI Smt Kalsang Khema Sherpa [previously posted at Alipurduar PS on 27.01.2012] being the IO of this case, has not been turning before this Ld court in spite of repeated issued summons upon her since 21.11.2013.

Last date on 20.11.2019 this Ld court was pleased to issue witness warrant against her to secure her attendance before this Ld court causing her evidence is necessary for proper adjudication of this case.

The SP, Alipurduar is directed with request to execute the witness warrant against Ex-SI Smt Kalsang Khema Sherpa through any competent person and submit the compliance report before this Ld court by the date fixed.

Let a copy of order be sent to SP, Alipurduar along with fresh requisition of warrant for his information and compliance.

Fix **25.02.2021** for ER of WWA and evidence.

Accused as before.

Dictated & corrected  
by me,

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

Office of the Additional District & Sessions Judge,  
Fast Track 2<sup>nd</sup> Court, Alipurduar.

Memo No.\_\_\_\_\_/FTC-II

dt. 12.01.2021

Let a copy of order No. 57 dt. 12.01.2021 be sent to SP, Alipurduar along with fresh requisition of warrant for his information and compliance.

Addl. Sessions Judge,  
FTC-II, Alipurduar.

**MACC 47/2004**

Order dt. 11.01.2021

Today is fixed for further evidence of PW1.

The petitioner, Manju Tiwary along with another witness, Akash Kumar Tiwary are present by filing hazira.

Ld Advocate for the petitioner as Ld Advocate for the OP No. 2, National Insurance Co. Ltd.

*A joint compromise petition duly signed by the petitioners and OP No. 2 has been filed in this case.*

*One another application regarding no objection on payment of compensation amount in favour of the petitioner No. 1.*

*Ld Advocate for the OP No. 2 filed a letter issued by National Insurance Co. Ltd., with direction to make settlement of this case and that letter was filed in this suit with FIRISTI.*

*PW1, Smt Manju Tiwary has adduced further evidence for herself and behalf of other petitioners.*

*One, Akash Kumar Tiwary being Petitioner No. 2 has adduced evidence of himself as PW2.*

*No other PW is present.*

*Ld Advocate for the petitioner as the Ld Advocate for the OP No. 2, National Insurance Co. Ltd., jointly submit in same motion that the instant suit has been settled in between the parties and Rs. 20,00000/- has been fixed in between them. So, the instant suit may be disposed of in terms of settlement.*

*Considered.*

*Perused the instant compromise petition, evidence of PW1 & PW2 as well as letter dt. 10.12.2020 issued by Insurance Company, it appears that the instant suit has been settled on compensation amount of Rs. 20,00000/- as full and final.*

*This court has no bar to award this compensation amount in terms of the settlement.*

*Hence,*

*it is ordered :*

*The OP No. 2, National Insurance Co. Ltd., is hereby directed to issued a cheque amounting to Rs. 20,00000/- [Rupees Twenty lacs] in favour of the petitioner No.1, Smt Manju Tiwary within one month from the date of this order.*

*The petitioner No. 1, Manju Tiwary is directed to distribute the said compensation amount of Rs. 20,00000/- in equal shares amongst the petitioners and the respondent, Munna Tiwary on receipt of the compensation amount and submit the receipt before this Ld Court within 15 days.*

*The instant awarded amount is full and final.*

*The instant MACC suit is hereby disposed of as above said terms and conditions.*

*Let a copy of this order be handed over to the petitioners as well as OP No. 2/Insurance Company at once.*

*Dictated & corrected  
by me.*

*Sd/-*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Sd/-*

*Judge,MAC, Tribunal,  
FTC-II, Alipurduar,*

**MACC 33/2016**

Order dt. 07.01.2021

*Today is fixed for PH.*

*Ld Advocates for the OP No. 1 & OP No. 2 file their respective haziras haziras through their Ld Advocates.*

*At this stage Ld Advocate for the petitioner files a petition praying for sending the instant case record to Lok Adalat for disposal.*

*Heard both sides.*

*Let the instant suit be sent to Lok Adalat for disposal.*

*Fix \_\_\_\_\_ for PH.*

*Both parties must come ready.*

*Dictated & corrected  
by me.*

*Judge, MAC Tribunal,  
FTC-II, Alipurduar.*

*Judge,MAC, Tribunal,  
FTC-II, Alipurduar,*

