

SC 223/2023

Order No.8
dtd.23.07.2025

Today is the date fixed for evidence.

Four (04) accused persons on court bail are present by filing hazira. One accused is represented by Ld. Advocate u/s 317 Cr.PC.

Ld. PP in charge files hazira of witness namely, Chanchala Modak.

A schedule has been fixed vide last order, however, Ld. PP in charge Basudev Das submitted that as per charge sheet CSW 1 was **Lalbabu Modak, the complainant** and without examine him, it would cause prejudiced to the prosecution. Therefore, it is submitted he will not adduce the evidence of CSW 2 Chanchala Modak, who is present before the Court. Hence, prays for issuance of summons upon the complainant CSW 1 Lalbabu Modak.

Having heard the submission and from case record, it is apparent that at the time of commitment by the Ld. ACJM vide memo No. 177/ACJM dated 13.10.2023, he omitted to reflect the name of CSW 1 Lalbabu Modak in the list of witness. Therefore, the summon was issued upon CSW 2 Chanchala Modak, who is at serial no.1 as per communication of Ld. ACJM.

Considering the above facts and considering submission of Ld. PP in charge who is reluctant to proceed with the evidence of the witness present in the court, therefore the witness is discharged without examination and the schedule is cancelled.

Fix 28.10.2025 [after puja vacation as per the submission of Ld. PP in charge] for evidence of CSW 1 Lalbabu Modak and CSW 2 Chanchala Modak.

Prosecution to file requisite of summons.

Informed to all.

Dictated and corrected by me;

Additional District & Sessions Judge
Fast Track 02nd Court, Alipurduar

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(WB01097)