

In the Court of the Sessions Judge, Murshidabad

Present : Shri B. Bhattacharjee (JO-WB00640)
Sessions Judge, Murshidabad

Sess. Sl. No.165/2024

(Arising out of Nowda P.S. case No.177/2022 dated 12.07.2022
U/s,498A/323/307/34 of I.P.C. & 4 D.P. Act.)

04
20.05.2024

Out of four (04) accused persons, two (02) accused persons on Court bail, namely, Lutfal Sk. and Alamgir Sk. are present by filing hazira.

This day is fixed for receipt of L.C.R., appearance of accused persons, E.R. of W.A. in respect of accused Samsul Sk. and receipt of Death report in respect of accused Mala Bibi @ Madhumala.

Received Death report dated 19.05.2024 in compliance with the order of this Court vide order No.2 dated 21.03.2024, submitted by ASI Kanchan Karmakar of Nowda P.S. in respect of accused Mala Bibi @ Madhumala, Wife of Lutfal Sk. of village Kishoritala, P.S. Nowda, Dist. Murshidabad accompanied with photo copy of Death certificate, dated 03.05.2024, issued by the Sub-Registrar (Birth & Death), Gram Panchayat Madhupur which discloses that accused Madhumala Bibi died on 15.07.2023.

Ld. Advocate for the accused persons is present.

The Ld. Public Prosecutor, Murshidabad is also present.

Accused Samsul Sk. has surrendered before this Court this day by petition.

He is taken into custody and remanded to J.C.

Recall W.A., issued against accused Samsul Sk. at once.

A petition has been filed on behalf of accused Samsul Sk. together with Vokalatnama, praying for bail.

Copy is served.

The petition filed by the accused, namely, Samsul Sk. praying for bail is taken up for hearing.

Perused the bail petition and the case record. Heard both sides.

Considered.

It has been submitted by the learned Advocate for the accused petitioner that the accused petitioner was on bail but W.A. was issued against this accused petitioner on 21.03.2024 as he could not attend the Court on that day and considering the voluntariness, he prays for bail.

Learned Public Prosecutor, Murshidabad leaves the matter to the discretion of this Court.

Having heard the Ld. Advocates of the respective parties and having considered the materials on record and taking into consideration that the accused person was previously on bail and he has voluntarily surrendered before this Court, I am inclined to allow the prayer for bail.

Accordingly, accused Samsul Sk. may find bail of Rs.5,000/- with two sureties of Rs.2,500/- each, other than previous sureties, subject to satisfaction of the Ld. C.J.M., Murshidabad.

Perused the Death report dated 19.05.2024, submitted by ASI Kanchan Karmakar of Nowda P.S. in respect of accused Mala Bibi @ Madhumala along with the photo copy of Death certificate, dated 03.05.2024, issued by the Sub-Registrar (Birth & Death), Gram Panchayat Madhupur.

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Cont...Order No.04
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Considered.

Pursuant to the Death report dated 19.05.2024 in respect of accused Mala Bibi @ Madhumala, the instant case against the said accused i.e. accused Mala Bibi @ Madhumala is filed for ever.

Let a copy of this order be sent to the Ld. Chief Judicial Magistrate, Murshidabad for his kind information.

Let the case be transferred to the Court of the Ld. Additional Sessions Judge, 1st Court, Berhampore, Murshidabad for trial and disposal.

To 24.05.2024 for appearance of accused Lutfal Sk. and Alamgir Sk., appearance / production of accused Samsul Sk. before the transferee Court.

In terms of the direction of the Hon'ble Apex Court in its true spirit in SMWP (CRIMINAL) No.4 of 2021 dated 31.01.2023 communicated vide Memo No.1865 (53)/HCGF dated 03.05.2023 vide e mail dated 04.05.2023, let soft copy of this order be sent to the Superintendent, Berhampore Correctional Home, Berhampore, Murshidabad in its official e mail i.d. supdtcswb.bhb.wb@gov.in and the Secretary, DLSA, Murshidabad in disa.msd@gmail.com for abundant precaution.

Dictd. & Cortd.
by me.

S. J.

Sessions Judge, Murshidabad