

S.SL.No.29/2017

Order No.15, Dated 12.04.2018

03 accused persons on C/B are present before me by filing hazira. Another accused Joy Kumar Mondal is produced from J/C. Two other accused persons namely Basudeb Mondal and Bishunapada Mondal could not be produced from J/C on the ground as per petition filed to the effect that they are suffering custody in connection with Ranitala P.S case no. 140/18, dated 26.03.18.

Today is fixed for consideration of charge and that could not be possible owing to the fact that the above two accused persons could not be produced before me.

At this stage one bail application is filed on behalf of the accused Joy Kumar Mondal. Heard both sides. Considered.

Ld. Advocate standing for the accused prays for bail on the ground that he stands on the similar footing as that of other co-accused persons on bail. He also pressed the detention period suffered by him till date.

Ld. P.P in-charge referred the C.D and seriously opposed it.

I have consulted the materials on record and that of in the C.D and find that this accused has been suffering detention since 07.02.18. This is a case inter alia under section 307 of the I.P.C. Co-accused persons are on bail and this accused stand in the same footing. There is no appreciating grounds and circumstances to proceed for custodial trial of this accused.

With the above view this accused may find bail of Rs.3000/- with two registered sureties of Rs.1500/- each i.d. to J/C with a direction to appear on each and every date hereafter as also not to tamper the evidence and hamper the smooth progress of trial.

The bail order above be subject to the satisfaction of the Ld. A.C.J.M, Lalbagh.

Let a copy of this order be sent to the Ld. A.C.J.M for compliance.

Fixed 05.05.18 for charge.

D & C by me,
Sd/-
ASJ, FTC-1,
Lalbagh, Msd.

Sd/-
Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

Memo No._____, Dated_____

Copy forwarded to,
the Ld. A.C.J.M, Lalbagh for information and necessary action.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

S.SL.No.29/2017

Later, Dated 28.06.2018

At this stage, one bail application is filed and moved on behalf of the accused Aswani Mondal. Heard both sides in the matter. Considered.

Learned Advocate appearing for the accused prays that co-accused persons are enjoying bail and this accused stands on the similar footing. Court may also consider his detention period and let off him on bail imposing any condition.

Learned PP-in-charge referred the CD and opposed his bail prayer at this stage.

I have consulted the materials on record and that of in the C.D and find that this accused has been suffering detention since 05.05.18. Said accused surrendered voluntarily before the court of Ld. ACJM. He stands in the same footing as that of other accused persons, now enjoying bail. This is a case inter alia under section 307 of the I.P.C. There is no plausible to proceed for custodial trial of this accused. Moreover, charge is framed today.

With the above view, this accused may find bail of Rs.3000/- with two registered sureties of Rs.1500/- each i.d. to J/C with a direction to appear on each and every date hereafter as also not to tamper the evidence and hamper the smooth progress of trial.

The bail order above be subject to the satisfaction of the Ld. A.C.J.M, Lalbagh.

Let a copy of this order be sent to the Ld. A.C.J.M for compliance.

To date for PW evidence.

D & C by me,
Sd/-
ASJ, FTC-1,
Lalbagh, Msd.

Sd/-
Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

Memo No._____, Dated_____

Copy forwarded to,
the Ld. A.C.J.M, Lalbagh for information and necessary action.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

S.SL.No.29/2017

Order No. 35, Dated 01.06.2019

Today is fixed for evidence. Ld. P.P in-charge Raisuddin Mondal is present and the Ld. Advocate on behalf of the accused Saukat Ali is present.

The Ld. P.P in-charge submitted that no witness is turned up and he prayed a further date for evidence.

All the accused on C/B namely Basudeb Mondal, Bishnupada Mondal, Joykumar Mondal, Madhai Mondal, Paban Mondal and Aswani Mondal are present by petition U/S 317 Cr.P.C. stating that the another accused Sadai Mondal died due to cardio respiratory failure today at 6.30am at his relative's house at Mohanbagan Sadhakbagh, Jiaganj. A death certificate issued by the Dr. Sarkar and a Panchayat certificate of Akhriganj Gram Panchayat (xerox copies are submitted).

The Ld. P.P in this regard submitted that let a report be called for from the concerned PS about the death of the accused. The 317 petition of the accused persons is thus allowed.

The another accused Dhananjoy Mondal who was arrested later and produced to this Court on 18.04.19 is produced from J/C. A bail petition is submitted on behalf of the said accused submitted that the other accused persons are already on bail and due to death of his father Sadai Mondal he seeking bail for performing the last rites of his father.

The Ld. P.P in-charge raised no objection stating that the accused is the main accused and he remained absconder since the very initiation of the case. The other accused persons are already facing trial and considering the conduct of this accused he strongly raised against his prayer.

As the regular P.O is on leave. Considering the present situation the Superintendent of the concerned correctional home is hereby directed to take initiative to release the accused on **parole** for this day according to the jail norms for performing the last rites of his father.

On this observation the bail prayer of the said accused is rejected and considering the situation fix 11.06.19 and 12.06.19 for further evidence of this case.

The bailed accused be and as before and todate for the production of the accused Dhananjoy Mondal.

Let a copy of this order be sent to the Superintendent of Berhampore Central Correctional Home.

D & C by me,
Sd/-
ASJ, FTC-1,
Lalbagh, Msd.

Sd/-
Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.
(In-charge)

Memo No. _____, Dated _____

Copy forwarded to,
the the Superintendent of Berhampore Central Correctional Home for
information and necessary action.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.
(In-charge)

Memo No. _____, Dated _____

Copy forwarded to,
the the Controller of Lalbagh Sub-Correctional Home for information and
necessary action.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

S.SL.No.29/2017

Order No. 36, Dated 11.06.2019

Accused Dhananjay Mondal is produced from J/C. Today is fixed for further PW evidence in the case as per last order. No witness turned up today.

Ld. P.P in-charge prays for fresh schedule after 12.06.19 if so required.

One bail application is filed and moved on behalf of the accused as above. Heard both sides. Considered.

Ld. Advocate standing for the accused prays for bail on the ground that co-accused persons are on bail. Statement of the injured person U/S 164 of the Cr.P.C does not support the prosecution claim. Moreover Shraddh Ceremony on account of death of his father, is going to be performed tomorrow on 12.06.19. Ld. Court may further consider his detention period for over three months.

Ld. P.P in-charge raised serious objection opposing his bail at this stage, after referring the materials on record.

After hearing both sides and considering the materials in C.D. and on record, his bail prayer stands rejected.

However the accused Dhananjay Mondal may be released on parole to attend and perform the Shraddh Ceremony of his departed father on 12.06.19.

The accused is in custody at Lalbagh Correctional Home and therefore, the Controller concerned is directed to take adequate legal steps in releasing the accused as above on parole observing jail rules and modalities, for a single day on 12.06.19 and thereafter revert him back to custody in the said Home.

Fix 25.06.2019 for death report in respect of accused Sadai Mondal.

Accused be produced on the date fixed.

Let a copy of this order along with a copy of death certificate be sent to the Controller of Lalbagh Sub-Correctional Home for strict compliance.

D & C by me,

ASJ, FTC-1,
Lalbagh, Msd.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

Memo No. _____, Dated _____

Copy forwarded to,

the the Controller of Lalbagh Sub-Correctional Home for information and necessary action.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

S.SL.No.29/2017

Order No.38, Dated 10.07.2019

06 accused persons on court bail are present by filing hazira. As per police report one accused Sadai Mondal is already expired during case pendency and his case is filed **for ever**. Accused Dhananjoy Mondal is produced from J/C.

One bail application is filed and moved on behalf of the accused Dhananjoy Mondal. Heard both sides. Considered.

Ld. Advocate for the accused person prays for bail on the ground of long detention, co-accused persons on bail and statement of the injured persons U/S 164 of the Cr.P.C.

Ld. P.P in-charge seriously opposed the bail of the accused at this stage.

This is a case inter alia a case U/S 307 of the I.P.C. This accused suffered sufficient detention in custody. Co-accused persons are enjoying liberty of bail. I have also consider the statement of the injured witness U/S 164 of the Cr.P.C besides other materials on case record and in C.D. In my view he should not be kept behind the bar anymore.

Accordingly, accused Dhananjoy Mondal may find bail of Rs. 5000/- with two registered sureties of Rs. 2500/- each I.d. to J/C with condition not to influence and intimidate the examined or unexamined witnesses as per charge sheet and with further condition to appear on each and every dates as fixed hereafter, subject to the satisfaction of the Ld. A.C.J.M, Lalbagh.

Let a copy of this order be sent to the Ld. A.C.J.M, Lalbagh for information and necessary action.

Fix 18.09.2019 and 19.09.2019 for further PW evidence.

D & C by me,

ASJ, FTC-1,
Lalbagh, Msd.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

Memo No._____, Dated_____

Copy forwarded to,
the Ld. A.C.J.M, Lalbagh for information and necessary action.

Addl. Sessions Judge,
FTC-1, Lalbagh, Msd.

S.SL.No.29/2017

Order No.39, Dated 27.08.2019

The case is posted for consideration of charge. All the 07 accused persons are present by filing hazira with their Ld. Counsel.

Ld. P.P in-charge is present with C.D. Ld. Defence Counsel is also present. Record is taken up for consideration of charge. Heard both sides.

Having heard both sides and on careful perusal of the record and materials available on C.D it is apparent that there is prima-facie case for trial for the offence punishable **U/S 341/326/307/34 of the Indian Penal Code** and has been made out against the accused Dhananjoy Mondal. Charges are being framed in a separate sheet.

Content of charge is read over and explained to the accused person in Bengali in open Court in presence of his Ld. Advocate, he pleaded not guilty and claimed to be tried.

Accused person is directed to face the trial for aforesaid charges.

The following schedule is prepared on **16.12.2019 & 17.12.2019 for PW Evidence.**

At this stage one petition is filed by the Ld. Prosecution for passing necessary order for adoption of the evidence already on record in respect of the present accused Dhananjoy Mondal.

After hearing both sides in the given matter prayer of adoption is allowed. The accused Dhananjoy Mondal is hereby permitted to defend himself as against the evidence already on record till date.

Accordingly, Ld. P.P In-Charge is hereby directed to furnish order of examination upon the witnesses for adducing evidence on the dates fixed.

Accd, persons are directed to remain present on the date fix.

Accused persons as before.

D & C by me.

A.S.J

Additional Sessions Judge,
1st Fast Track Court, Lalbagh
Murshidabad

S.SL.No.29/2017

Order No.44, Dated 28.02.2020

All the 07 accused persons on court bail are present by filing haziras and on calls. One Renupada Mondal is examined in chief in full today.

At this stage verbal duel started in between the Ld. P.P in-charge and the Ld. Defence Counsel.

Ld. Defence counsel submits that the prosecution side may be directed to produce all the medical documents of PW-4 as according to the Ld. P.P. in-charge, the original medical documents are not with them as yet. They will file those documents in proper time, if required. A specific application is filed to that effect. Copy could not be served on the grounds as endorsed.

The Ld. P.P. in-charge conversely submits that they will not file those documents. Next, again submits that they are not bound under the law to file those documents today itself.

After hearing the heated submissions of both sides and on perusal and scrutiny of the evidence inter-alia PW-4, it reveals that he was treated at various hospitals. In my considered view, those documents are needed for proper adjudication of the case. But, at the same time, if the prosecution is disinterested in filing those medical papers, this court cannot force the State. The defence in such situation may get benefitted, if permitted under the law. Howsoever, I may succinctly direct the prosecution party to lay those medical papers of PW-4 on the next date, for the purpose of his cross examination failing which further permission in filing those documents will not be granted, in the event of want of proper explanation.

The aforesaid petition is disposed of, in the manner above.

At this stage the defence slapped another application seeking necessary order from this Ld. Court against PW-4 for taking action according to law. Copy could not be served on the grounds as endorsed.

Ld. Defence counsel submits with force that the PW-4 on the witness box deposed that he stated all false before the Magistrate while giving statement U/S 164 of the Cr.P.C. Therefore, he is liable to be prosecuted.

The Ld. P.P. in-charge contrarily submits that PW-4 made statement before the Magistrate under threat from the police of Ranitala PS as was pressurized to tell lie before the Magistrate else he will be tagged in narcotics case. So, there is no legal basis to proceed against him.

After hearing both sides, time is not ripe as also it is not conscionable to dispose of the matter at this stage. It is too early to pass any comments in the matter at this stage. I prefer my comments reserved. The requisite order shall be passed at the time of argument hearing of the case. Till that, the matter is kept in abeyance. I may remind both sides that this court shall leave no stone unturned in delving deep into the matter at argument stage.

Fix 09.04.2020 for further evidence of PW-4.

D & C by me.

A.S.J

Additional Sessions Judge,
1st Fast Track Court, Lalbagh
Murshidabad

