

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK 1st COURT, LALBAGH, DISTRICT- MURSHIDABAD.

Present : Mr. Salim Ahmed Ansari,

**S. SL. No. - 150/2022./S. T. No. - 10(August)/2022./G.R. No. 3281/2020.
CNR No. WBMD05-000842-2022.**

**Raninagar P.S. Case No. - 415/2020, Dt. 21.10.2020.
State -v/s- Gonesh Mondal & 2 others ...Accused persons.**

Order No.37, Dated 24.11.2023.

The lady accused namely Rekha Mondal is produced from JC. The three accused persons on bail are absent by filing petition under Section 317 Cr.P.C.

Ld. PP-n-charge is present. Ld. Defence Counsel is present.

Ld. Defence counsel has submitted that the prosecution are paying no heed in calling upon the witnesses although the court is trying to expedite the case by fixing consecutive dates. It is very much unpleasant by seeing the act of the prosecution who is seen failure to bring remaining witnesses who are yet to be examined in spite of issuing of summons by the court.

Ld. Defence counsel has also submitted the OC of the concerned PS is arrogant and has been in habit to keep the order of court in abeyance without acting it upon.

Heard. Considered.

On being perused the record it is transpired that the three consecutive dates on each month are being found fixed for speedy trial of this case and 9 witnesses out of 22 have been examined by the prosecution. But it is highly a matter of speculation that in the course of three months of the proceeding of this case whenever the court issued summons upon the rest CS witnesses, the witnesses are not turning to the Court. And this is the situation the court is to see and in order to bring the remaining witnesses for their deposition for the purpose of speedy trial of this case, the assistance of the OC Raninagar PS is quite inevitable and OC of Raninagar PS will be responsible when he fails to send witnesses on the date fixed to the court because the witnesses are living under the jurisdiction of Raninagar PS. The Court will have no hesitation in holding that the OC Raninagar PS has flawed the Order of the Court when witness will not come on the date fixed. And as to why the matter will not be communicated to SP Murshidabad for the act of the OC for not sending the witnesses in the Court on the date fixed. And the OC will not get immunity from facing the show cause issued by the court for non-compliance of the order of the court. At this moment the court is not sending this order to SP Murshidabad but the OC will not be in his speculation to skip from the Order of the to be passed in coercive texture when OC fails to comply with the order of the court.

The lady accused Rekha Mondal is remanded to JC.

Summons be issued accordingly.

A copy of this Order with summons be sent to OC Raninagar PS for immediate compliance.

Accused persons on bail as before.

Surety is directed to keep present the absentee accused persons on the date fixed. Surety be informed accordingly.

To 04.12.2023 production, appearance and further evidence.

Additional Sessions Judge,
1st Fast Track Court,
Lalbagh, Murshidabad.
JO Code : W.B.00713