

Sessions Case No. 136/2010

Present :- Shri J.B.Biswas,
Addl. Sessions Judge,
F.T.C.Ist Court, Malda .

Order No.33

17.05.2012

Ld. P.P, Malda, Mr. Asit Baran Chowdhury files an application containing inter alia that the defacto complainant namely Prashanta Kr. Ghosh submitted an application to him praying for the appointment of Spl. Public Prosecutor to conduct the instant case on behalf of prosecution .

Ld. P.P stated in his application that on earlier occasion on 05.03.2012 Mr. Mriganka Dutta was entrusted to conduct the case and he verbally expressed his unwillingness to conduct the case and subsequently on 28.03.2012 the case was entrusted to Mr. Golam Goush Khan Lodi to conduct this case on behalf of prosecution and on 10.05.2012 he returned the brief on the health ground .

Ld. P.P also stated in writing in his application that in this back-drop he who has the experienced to face pressure from Shri Krishnendu Narayan Chowdhury, M.L.A to withdraw the case and he has also reason to believe that Panel lawyers are somewhere feeling uneasy and discomfort to conduct the case .

It also reflects from the letter submitted by P.P, Malda, that the reasons raised in the application preferred by the defacto complainant to him is cogent and genuine .

Hence, the P.P, Malda, filed this application praying for passing necessary order in this regard .

The appointment of Ld P.P or Ld. special P.P. is the sole-prerogative of the prosecuting agency for just,proper and speedy adjudication of the case and as such it will not be just and wise to interfere on this score and as such this Court refrains from passing any order as it will tantamount to interfere with the prosecution matter , in as much when the subject matter does not fall within the domain of this Court . Hence, this Court refrains to pass any order and accordingly the petition is thus disposed of .

Liberty is given to Ld. P.P. Malda, to take appropriate steps for the appointment of Spl. P.P to conduct the case .

Contd. Order No.33.
17.05.2012

Copy of this order be sent to P.P, Malda, for information and taking
necessary action .

Dict. By
Sd/- J.B. Biswas
A.S.J. F.T.C. 1st,
Malda.

Sd/- J.B. Biswas
Addl. Sess. Judge,
F.T.C 1st Malda.