

Sessions Case No. 136/2010

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

Order No.37
28.06.2012

Today is fixed for passing necessary Order.

Ld. Special P.P drew my attention towards the appointment letter issued by L.R. Deptt. Govt. of West Bengal and prayed for for handing over the Case Diary to him to conduct that case on behalf of State .

On the other hand, Ld. P.P. Malda, contended that in this case Mr. Bakshi was already appointed as Special P.P to conduct the case on behalf Prosecution in the year 2010 and his appointment has not yet been recalled or revoked and he has not received any information to that effect .

Ld. P.P. Malda, further contended that he disputes the second appointment of Special P.P as he did not receive any appointment letter of Mr. Tarit Ojha through proper channel .

It is the further contention of Ld. P.P. Malda, that Mr. Tarit Ojha had once upon a time in this case appeared on behalf of some of the accused persons, which is gross suppression of material fact .

Ld. P.P. Malda, further contended that he was hackled by one of the accused person namely Krishnendu Narayan chowdhury on 20.06.2012 .

Ld. Defence Counsel, Mr. Tirtha Basu submitted that he is conducting the case althrough and in this case once upon a time Mr. Tarit Ojha was appointed by defecto complainant for cancellation of bail of accused, Shripati Roy before the Ld. Sessions Judge, Malda , and Mr. Basu has prayed for expeditious disposal of the case .

It appears to me that Ld. P.P. Malda, has disputed the appointment of Mr. Tarit Ojha as Special P.P inasmuch when Mr. Ashok Kumar Bakshi has already been appointed in this case . There is nothing on the record to show that the appointment of Mr. Bakshi was recalled or revoked and as a matter of fact there are two Special P.P appointed in this case and as such this issue is required to be clarified, to avoid future complication in this regard, that apart Ld. P.P. Malda, has made a certain aspersion against Mr. Ohja that he once upon a time appeared on behalf of some of the accused persons . The petition filed by the defecto complainant imposing no confidence upon Mr. Tarit Ohja as Special P.P on various grounds , can not be brushed aside at this stage and

this Court also can not remain like a passive on looker regarding the allegations and aspersions raised against Mr. Ojha and as such the matter be brought to the notice of L.R. Govt. of West Bengal Kolkata through D.M, Malda , in view of the fact the interest of the defecto complainant is no way prejudiced .

In such circumstances, I feel it expedient to refer the matter to the District Magistrate, Malda , with a request to take up the matter with L.R. Deptt. Govt. of West Bengal, Writers Building , Kolkata -1 , regarding clarification about the appointment of Special P.P, who shall conduct the case in near future and also in the light of the application filed by the defecto complainant .

Let a copy of the order together with the xerox copies of all applications and annex re be sent to District Magistrate Malda, for doing the needful in this regard as per observation made in the body of the order .

To 25.07.2012 for awaiting report of D.M, Malda , and appearance and further order .

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.