

Sessions Case No. 136/2010

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

Order No.42

19.09.2012

Today is fixed for awaiting report and appearance of all the accused persons .

Out of 20 accused persons , 18 accused persons are present by filing hazira .

Two accused are absent by petition U/s 317 Cr.P.C.

No report has yet been received from the end of D.M, Malda, towards clarification.

It is true that due to non-submission of report from the end of D.M,Malda , the case is being delayed and the parties are day by day being harassed .

It is well settled law of the land that an advocate validly appointed as Special Public Prosecutor U/s 24(8) Cr.P.C. without canceling previous appointment of another Public Prosecutor might be at best irregular or improper , but can not be said to be legally invalid .

In such view of the matter, and according to the Judgment reported in 1983 SCC (Cri) 224 I am accepting Mr. Tarit Ojha, as Ld. Special Public Prosecutor to conduct the case .

P.P, Malda, is requested to hand over the related documents to Mr. Tarit Ojha, Ld. Special Public Prosecutor at once . So that he can conduct the case .

Fixing 01.10.2012, 03.10.2012 & 04.10.2012 for evidence of C.S. witnesses .

Issue summons accordingly .

Prosecution is directed to take initiative so that the witnesses must come on the date fixed .

I.C,English Bazaar P.S. is directed to take effective steps for placing of witnesses to the Special Public Prosecutor , Mr. Tarit Ojha U/s 24(8) Cr.P.C.

Necessary compliance is highly appreciated .

Dict. By

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

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Addl. Sess. Judge,
F.T.C 1st Malda.**