

Sessions Case No. 136/2010

Present:- Shri Jimut Bahan Biswas,

Additional Sessions Judge,

Fast Track, First Court, Malda .

Order No. 65

12.06.2013 Learned Special Public Prosecutor files hazira.

Out of 20 accused persons, 16 accused persons are present by filing haziras by separate sheets and four accused persons namely Somnath Biswas, Meghnath Biswas, Kanu Gopal Roy and Rajesh Jha are absent by petition . Copy served.

Perused the petition. Heard both sides. Considered. The petitions for adjournment are allowed.

Today is fixed for passing necessary order in respect of petitions dated 11.02.13, 16.03.13 and 07.05.13 filed by the Learned Special Public Prosecutor Mr. Saibal Mitra praying for withdrawal of the Sessions case under reference against all accused persons facing the trial under the provision of section 321 of Criminal Procedure Code and the case record is taken up for the same.

The present case has been originated on the basis of written complaint lodged by Shri Prosanta Kumar Ghosh before the Englishbazar Police Station and the Englishbazar Police Station initiated Englishbazar Police Station case no 137/97 under sections 147, 148, 323, 379, 506, 302 and 120B of Indian Penal Code.

The crux of the aforementioned four petitions is epitomized herein below.

According to the Learned Special Public Prosecutor Mr. Saibal Mitra he has found on going through the materials on record and from the trend of the investigation conducted by the I.O, is to implicate some other political leaders out of political animosity by way of false implication of some of the accused persons at the instance of the then ruling political party by influencing the investigating agency .

Learned Special Public Prosecutor in his petition dated -11.02.2013 has categorically ventilated that from the order-sheet dated-

02.06.1997 there was specific submission of the accused persons before the Court that the investigation of the case was being conducted in a most biased manner at the will of the then ruling party .

Learned Special Public Prosecutor has further stated in the said application that he finds justification about the submission made by the side of the defence on going through the case diary . The incident of murder of Prabal Ghosh is said to have taken place in brought daylight in a public place and implication of such other person, whose name do not transpire in the F.I.R, is nothing but foul play on the part of investigating agency who has implicated accused Krishnendu Narayan Chowdhury, who was the Chairman of English Bazaar Municipality at the relevant point of time and some other persons in view of a meeting which was held in the previous night on the date of incident at the house of accused, Shripati Roy in which accused , Krishnendu Narayan Chowdhury and some other participated without bringing on record as to what was the deliberation of that meeting .

It further appears from the petition dated-11.02.2013 that the name of accused , Krishnendu Narayan Chowdhury was brought into the surface after five days of the incident when some witnesses were sent to the Learned Court for recording their statements U/s 164 of Cr.P.C, it gives impression that the police machinery in order to implicate accused , Krishnendu Narayan Chowdhury and other foisted some witnesses to get their statements recorded U/s 164 of Cr.P.C.

Learned special P.P further contented that over the said incident, accused, Somnath Biswas received head injury and who was being assaulted by the deceased and his criminal associates who are now made so-called witnesses of the instant proceeding to satisfy their unlawful object . These are the grounds as specifically mentioned in the petitions praying for withdrawal of Sessions Case under reference from prosecution as against the accused persons who are facing the trial .

According to Learned Special PP the subsequent implication of some political leaders is fully motivated and to satisfy political grudge and it is a fit case for withdrawal from prosecution and after giving his anxious thought he has preferred this present applications under consideration being appointed by the District Magistrate, Malda in compliance to the

order of Hon'ble High Court.

Learned Special PP Malda further contented that Learned L.R, West Bengal has got no objection in withdrawal of the present case under section 321 of the Cr.PC conveyed vide memo no. 585 /C dated 7.2.13 .

Per contra, the defacto complainant raised objection against the petition U/s 321 of Cr.PC filed by Special PP on the basis of permission accorded from Learned Legal Remembrancer. The defacto complainant categorically contended in his written objection that there is no specific or clear direction upon the Learned Special PP from the Learned L.R to apply for withdrawal of present case . Learned Special PP has applied his Judicial mind only in the materials of the case diary and formed his opinion from those materials and has applied for withdrawal of case relying on a very much weaker ground .

Another point which has been raised specifically in the objection filed by the defacto complainant mentioning inter-alia that the Learned Special PP has made an depth analysis of the materials and the entire grounds set forth in the petitions are backed by a detailed and meticulous discussions regarding merits of the case . The only ground he has relied on merit ground . This ground alone can not form the basis to apply for withdrawal of criminal case like a present one . While dealing with the Section 321 of Cr.PC in the matter of according sanction or for refusal the Court can not in any way enter into the merit of the case . It also appears from the written objection that in the present case charge has been framed under various sections including section 302 of I.P.C. Once charge is framed considering that there are prima-facie sufficient materials how the Court will now hold that there is no sufficient materials to sustain prosecution. In the absence of any new circumstances, the ground for withdrawal from prosecution after framing of charge can not be entertain able .Defacto complainant has enlightened in his written objection that the withdrawal of case can be sought only for furthering the cause of public Justice and the paramount consideration must always be the interest of Administration of Justice . In this case, the Special P.P did not explain in his petition how those two conditions will be betterly served if the case is withdrawn. The present applications seeking for withdrawal from

prosecution is not filed in good faith and there is no bona fide intention for the benefit and interest of the Administration of Criminal Justice . The impact of withdrawal the society has also not considered by him . The present case is not a political case in nature, in the sense that it has not arisen out of any political movement . May be one of some of the accused person involved in the case are political personalities , but for that reason only the present case can not or should not be designated as political case . A political case and case against political person are different matter . It has been contended further in the written objection by the defacto complainant that the Learned Special P.P has agitated that Shri Krishnendu Narayan Chowdhury and some other accused persons, who are not named in F.I.R have been falsely implicated later on, out of political rivalry . But it is strange to mention that in the prayer portion of the petitions he has prayed for withdrawal of whole case where there are at least 11 accused persons who are named in F.I.R . The present case is most sensational case for the people of Malda . The defacto complainant, the family members of the deceased and a large section of local public are anxiously waiting for free and fair trial . They expect that the persons who are responsible for the crime be properly punished . Now, if the case is withdrawn the people may loose their faith upon the Criminal Justice Delivery System . Hence, the defacto complainant has prayed for dismissal of the instant applications U/s 321 Cr.PC .

I have already heard the learned Special P.P and the learned defence counsel and the learned lawyer for the defacto complainant at length.

Perused the materials on record. Considered.

Before dealing with the matter in hand, now, let me consider at first the provision as laid down in Section 321 Cr.PC :

"321. Withdrawal from prosecution.-The Public Prosecutor or Assistant Public Prosecutor in charge of a case may, with the consent of the Court, at any time before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried; and, upon such withdrawal.-

(a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences;

Provided that where such offence-

(i) was against any law relating to a matter to which the executive power of the Union extends, or

(ii) was investigated by the Delhi Special Police Establishment Act, 1946 (25 of 1946), or

(iii) involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government, or

(iv) was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty, and the Prosecutor in charge of the case has not been appointed by the Central Government, he shall not, unless he has been permitted by the Central Government to do so, move the Court for its consent to withdraw from the prosecution and the Court shall, before according consent, direct the Prosecutor to produce before it the permission granted by the Central Government to withdraw from the prosecution".

According to this spirit of the provision of Section 321 Cr.P.C the consent of the Court is the discretion which is to be exercised by the Court while dealing the matter in hand taking into consideration the material available before it.

Learned advocate for the defacto complainant submitted before me that Court can not assess the evidence to discover whether the case would end in conviction or acquittal . To that effect he referred a Judgment reported in 1987 Cr.L.J 793 . I have carefully perused the said Judgment . The said Judgment is very much applicable in this case . The analogy of the Judgment is set forth as follows :-

“The law as it stands today in relation to applications under Section 321 is laid down by the majority judgment delivered by Khalid, J. in the Constitution Bench decision of this Court in Sheonandan Paswan v. State of Bihar, (1987) (1) SCC 288 : (AIR 1987 SC 877 : 1987 Cri LJ 793). It is held therein that when an application under Section 321 is made, it is not necessary for the Court to assess the evidence to discover whether the case

would end in conviction or acquittal. What the Court has to see is whether the application is made in good faith, in the interest of public policy and justice and not to thwart or stifle the process of law. The Court, after considering the facts of the case, has to see whether the application suffers from such improprieties or illegalities as would cause manifest injustice if consent was given. When the Public Prosecutor makes an application for withdrawal after taking into consideration all the material before him, the Court must exercise its judicial discretion by considering such material and, on such consideration, must either give consent or decline consent. The section should not be construed to mean that the Court has to give a detailed reasoned order when it gives consent. If, on a reading of the order giving consent, a higher Court is satisfied that such consent was given on an over all consideration of the material available, the order giving consent has necessarily to be upheld. Section 321 contemplates consent by the Court in a supervisory and not an adjudicatory manner. What the Court must ensure is that the application for withdrawal has been properly made, after independent consideration by the Public Prosecutor and in furtherance of public interest. Section 321 enables the Public Prosecutor to withdraw from the prosecution of any accused. The discretion exercisable under Section 321 is fettered only by a consent from the Court on a consideration of the material before it. What is necessary to satisfy the section is to see that the Public Prosecutor has acted in good faith and the exercise of discretion by him is proper.

The law, therefore, is that though the Government may have ordered, directed or asked a Public Prosecutor to withdraw from a prosecution, it is for the Public Prosecutor to apply his mind to all the relevant material and, in good faith, to be satisfied thereon that the public interest will be served by his withdrawal from the prosecution. In turn, the Court has to be satisfied, after considering all that material, that the Public Prosecutor has applied his mind independently thereto, that the Public Prosecutor, acting in good faith, is of the opinion that his withdrawal from the prosecution is in the public interest, and that such withdrawal will not stifle or thwart the process of law or cause manifest injustice.

It must follow that the application under Section 321 must aver that

the Public Prosecutor is, in good faith, satisfied, on consideration of all relevant material, that his withdrawal from the prosecution is in the public interest and it will not stifle or thwart the process of law or cause injustice. The material that the Public Prosecutor has considered must be set out, briefly but concisely, in the application or in an affidavit annexed to the application or, in a given case, placed before the Court, with its permission, in a sealed envelope. The Court has to give an informed consent. It must be satisfied that this material can reasonably lead to the conclusion that the withdrawal of the Public Prosecutor from the prosecution will serve the public interest; but it is not for the Court to weight the material. The Court must be satisfied that the Public Prosecutor has considered the material and, in good faith, reached the conclusion that his withdrawal from the prosecution will serve the public interest. The Court must also consider whether the grant of consent may thwart or stifle the course of law or result in manifest injustice. If, upon such consideration, the Court accords consent, it must make such order on the application as will indicate to a higher Court that it has done all that the law requires it to do before granting consent.

S.321 providing for withdrawal from prosecution gives no indication as to the grounds on which the Public Prosecutor may make the application, or the considerations on which the Court is to grant its consent. The initiative is that of the Public Prosecutor and what the Court has to do is only to give its consent and not to determine any matter judicially. The judicial function implicit in the exercise of the judicial discretion for granting the consent would normally mean that the Court has to satisfy itself that the executive function of the Public Prosecutor has not been improperly exercised, or that it is not an attempt to interfere with the normal course of justice for illegitimate reasons or purposes. When an application under S.321 is made, it is not necessary for the Court to assess the evidence to discover whether the case would end in conviction or acquittal. The Court's function is to give consent. This section does not obligate the Court to record reasons before consent is given. However, it does not mean that consent of the Court is a matter of course. When the Public Prosecutor makes the application for withdrawal after taking into

consideration all the materials before him, the Court exercises its judicial discretion by considering such materials and on such consideration, either gives consent or declines consent. The section should not be construed to mean that the Court has to give a detailed reasoned order when it gives consent. All that is necessary to satisfy the section is to see that the Public Prosecutor acts in good faith and that the Magistrate is satisfied that the exercise of discretion by the Public Prosecutor is proper. This will be clear on perusal of some other provisions in the Code such as Ss.203, 227, 245; 257 and 258 which relate to the manner in which Courts have to exercise their jurisdiction in pending cases when applications are made for their withdrawal or when the Court finds that there is no ground to proceed with the cases and Ss.320 which is a kindred section. While Ss.203, 227, 245, 257 and 258 require the Magistrate to record his reasons for the order he passes, S.320 contemplates consent by the Court only in a supervisory manner and not in an adjudicatory manner.

(C) Constitution of India, Art.136 - Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - SUPREME COURT - SPECIAL LEAVE APPEAL - Consent to withdrawal of prosecution - Appeal against, by special leave - Supreme Court would not assess evidence to see whether case ends in conviction or acquittal - Nor it would order retrial.

When an appeal by special leave against an order giving consent to withdrawal of prosecution comes to the Supreme Court, the Supreme Court would not assess evidence to find out whether there is a case for acquittal or conviction nor order a retrial.

It has been the declared policy of the Supreme Court not to embark upon a roving enquiry into the facts and evidence of cases like the aforesaid one or even an order against discharge. The Court will not allow itself to be converted into a Court of facts and evidence. The Court seldom goes into evidence and facts. That is as it should be. Any departure from this salutary self imposed restraint is not a healthy practice. It is necessary for the Supreme Court to remember that as an apex Court, any observation on merits or on facts and evidence of a case which has to go back to the Courts below will seriously prejudice the party affected and it should be the policy of the Court not to tread upon this prohibited ground and invite unsavory

but justifiable criticism. Is the Supreme Court to assess the evidence to find out whether there is a case for acquittal or conviction and convert itself into a trial court? Or is the Court to order a retrial and examination of hundred witnesses to find out whether the case would end in acquittal or conviction? Either of these conclusions in the case is outside the scope of S.321. S.321 is virtually a step by way of composition of the offence by the State. The State is the master of the litigation in criminal cases. It is useful to remember that by the exercise of functions under S.321, the accountability of the concerned person or persons does not disappear. A private complaint can still be filed if a party is aggrieved by the withdrawal of the prosecution but running the possible risk of a suit of malicious prosecution if the complaint is bereft of any basis. (Para 73)

(D) Constitution of India, Art.136 - Criminal P.C. (2 of 1974), S.321 -

WITHDRAWAL FROM PROSECUTION - SPECIAL LEAVE APPEAL - Consent to withdrawal of prosecution - Appeal against, by special leave - Magistrate stating in order giving consent that he has considered all materials - It would not be proper for Supreme Court not to accept that statement. When the Magistrate states in his order giving consent to withdrawal of prosecution that he has considered the materials, it is not proper for the Supreme Court not to accept that statement in appeal by special leave. The proper thing to do is to hold that the Magistrate gave consent on objective consideration of the relevant aspects of the case. It would be acting against the mandate of S.321 to find fault with the Magistrate in such cases, unless the order discloses that the Magistrate has failed to consider whether the application is made in good faith, in the interest of public policy and justice and not to thwart or stifle the process of law. (Para 76)

Where the application for withdrawal of prosecution by the Public Prosecutor was made in good faith after careful consideration of the materials placed before him and the order of consent given by the Magistrate was also after due consideration of various details, it would be improper for the Supreme Court, keeping in view the scheme of S.321, to embark upon a detailed enquiry into the facts and evidence of the case or to direct retrial for that would be destructive of the object and intent of S.321. (Para 77)

Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - SUPREME COURT - SPECIAL LEAVE APPEAL - Consent to withdrawal of prosecution - Appeal by special leave - Supreme Court will not order retrial while considering order giving consent under S.321 on legally weak and infirm evidence of confessional statement of co-accused turned approver. Evidence Act (1 of 1872), S.134. (Para 80)

(F) Penal Code (45 of 1860), S.463 and S.466 - FORGERY - Forgery - Ingredients of - Antedating of order by Chief Minister by overwriting - Concerned file not leaving office of Chief Minister - No evidence that any one was unduly favoured or any one secured undue advantage by use of such over-writing - Chief Minister is not guilty of offence under S.453 or offence under S.466. (Para 77)

(G) Constitution of India, Art.136 - Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - SPECIAL LEAVE APPEAL - Order giving consent to withdrawal of prosecution - Ordering of retrial in appeal against, by special leave - Propriety of - Appellant seeking setting aside of order giving consent and asking for retrial of political rival of accused and thus highly interested person - Accused, leader of political party and also rival of Chief Minister following him in office at the time of institution of case - Chief Minister at the time of institution of case having grudge against accused - Held, ordering of retrial on unsatisfactory factual details would not advance either interests of justice or public interest. (Para 81)

(H) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal of prosecution - Objection as to - Locus standi - Offences charged, offences of corruption and criminal breach of trust - They being offences against society, any member of society can oppose application for withdrawal of prosecution. Per Bhagwati, C.J. and Oza, J. (Para 14)

(I) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal of prosecution against former Chief Minister or person holding high political office - Absence of inquiry by Commission of Inquiry before launching of prosecution - Cannot alone be ground for allowing withdrawal of prosecution. Per Bhagwati, C.J. and Oza, J. (Para 18)

(J) Constitution of India, Art.137 - REVIEW - Supreme Court - Review - Petition for review admitted only because of reference of certain other case

to larger bench to review earlier decisions - Earlier decisions not disturbed - There is no justification to reverse order of Court by which appeal had already been dismissed. Per Venkataramiah, J. (Para 49)

(K) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal of prosecution after framing charge - Insufficient or no evidence - Not proper ground. Per Bhagwati, C.J. and Oza, J.

Now let me consider whether the petitions have been filed by the Learned Public Prosecutor on good faith, and reached the conclusion that his withdrawal from the prosecution will serve the public interest in view of the solemn Judgment reported in 1987 Cri LJ 793.

Learned Special PP argued that the present application has been filed by him on the basis of no objection of Learned L.R , west Bengal and on the basis of the said no objection by Learned L.R the application U/s 321 Cr.PC was filed considering the merit of the case . Learned advocate for the defacto complainant submitted that Learned L.R has got no right to direct the Special PP to file an application U/s 321 Cr.PC on merit in view of the embargo imposed by the Hon'ble Apex Court in a decision reported in (2010)2 SCC (Cri. 698).

I have gone through the celebrated decision of the Hon'ble Apex Court as referred to above and it is apparent from the face of the said Judgment that the Court can not enter into the merit of the case while dealing an application under section 321 of Cr.PC and it has been the declared policy of the Supreme Court not to embark upon a roving enquiry into the facts and evidence of cases like the aforesaid one or even an order against discharge. The Court will not allow itself to be converted into a Court of facts and evidence. The Court seldom goes into evidence and facts. The moot question is this whether the Court is satisfied to give consent or decline to give consent.

In the instant case, the Special PP submitted his argument by placing merit of the case but this Court can not enter into the merit of the case at this juncture in view of the Judgment as referred by the defacto complainant reported in (2010)2 SCC (Cri. 698) .

In the present case , the defacto complainant is knocking the door of Justice for years together to get the culprit/ culprits punished who is/are

responsible for the premature death of his brother in a brought day light brutally .The defacto complainant previously agitated against the appointment of Special P.P Mr. Tarit Ojha who was appointed by the Learned L.R and subsequently he went up to Hon'ble Court against the said appointment and the appointment of Special P.P was set aside by Hon'ble Court and subsequently District Magistrate Malda as per direction of the Hon'ble Court appointed the present Special P.P, Mr. Saibal Moitra to conduct the case. Against the impugned petitions U/s 321 Cr.P.C filed by Learned Special P.P the defacto complainant raised strong objection and filed his written objection . It is also true that it is a case of murder of the brother of the defacto complainant for which he is very much aggrieved and if the case is withdrawn the right of aggrieved party would be curtailed . The State never bother to take into consideration the grievances of the defacto complainant, rather thought it prudent to accord permission to the Learned Special P.P to withdraw the present case in hand from prosecution, by tearing all sorts of legal responsibilities.

On earlier occasion, considering the materials on record charge was framed and at this juncture it can not be said that the present case is merit less . Court can not hold any hot and cold decision sitting on same chair . To that effect I am referring a Judgment reported in AIR 1987 SC 877

I feel it expedient to refer the Landmark Decision reported in 2001 CRI. L. J. 148 "Abdul Karim v. State of Karnataka" which is very much relevant in the instant case and the said Judgment as follows:-

SUPREME COURT = 2000 AIR SCW 3980

Coram : 3 S. P. BHARUCHA, D. P. MOHAPATRA AND Y. K. SABHARWAL, JJ.
(Full Bench)

Criminal Appeal Nos. 741-743 of 2000* with Writ Petn. (Cri.) Nos. 271, 273, 283-315, 317-342, 343-372, 373-402 of 2000, D/- 7 -11 -2000.

Abdul Karim etc. etc. v. State of Karnataka and others etc. etc., Respondents

(A) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal from prosecution - Discretion is that of Public Prosecutor - He has to be, on consideration of all relevant material and in good faith, satisfied that withdrawal is in public interest - Court while granting consent has to ensure that Public Prosecutor has applied his mind

independently and that Public Prosecutor acting in good faith is of opinion that withdrawal is in public interest.

(B) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal from prosecution - Public Prosecutor seeking withdrawal so as to maintain peace among people living in border area and of a village and to prevent unpleasant situation in border area - Application for withdrawal however not stating as to why breach of peace was apprehended by Public Prosecutor - Court granting consent could not therefore, have satisfied itself that Public Prosecutor had applied his mind to relevant material and exercised juris dictum in good faith - Consent granted is bad in law.

(C) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal from prosecution - Grant of permission - On ground that application for withdraw has been filed by Public Prosecutor on basis of Government order - Does not meet requirements of S. 321 - Permission granted is bad in law.

(D) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal from prosecution - Satisfaction of Public Prosecutor - Cannot be based on information which he could not verify - Permission to withdraw also held to have been obtained by misleading Court.

(E) Criminal P.C. (2 of 1974), S.321 - WITHDRAWAL FROM PROSECUTION - Withdrawal from prosecution - Dreaded criminal abducting a popular film actor - Setting forth demands for release of film actor - Criminal and his associates having link with Secessionist organization - Was out to terrorise police force and to overawe elected Govt. - Withdrawing prosecution against such criminal and his associates - Would lead to anarchy - People may lose faith in democratic process - Recourse to S. 321 without considering these aspects - Not proper.

On pan optic consideration of the matter in dispute, it appears to me that the present applications U/s 321 Cr.PC filed by the Special PP have got no merit as the situation cropped up in a case does not tally with the essential ingredients of provisions U/s 321(5) of Cr.PC .

The Special PP in this case ventilated the present case is a political

case . But no where it is found that it is a political case on going through the materials on record ,though some political personalities are entangled in this case .

From the above fact and circumstances this Court is constrained to hold that the present applications have not been preferred for the broad ends of public Justice , public order and peace. In my considered opinion that the Learned Special P.P has not applied his mind as a free agent. Learned Special P.P has failed to lay on carpet that the instant petitions have been filed for Larger Public Interest.

The present case is not at all a political case and some political leaders have been entangled on the basis of materials available in the case diary and banking upon the same charge of a ghoulisn offence was framed against the accused persons and against which the accused persons did not prefer any application before the higher forum and no new circumstances is forthcoming at this juncture for withdrawal of the present case from the prosecution which is the only option left for the State to mitigate the public interest at large and therefore keeping in mind the pros and cons of the entire materials in hand , coupled with the basic principles of law , I refrain my self to accord consent for withdrawal of the present case from prosecution as the petitions are lacking the specific point with regard to good faith and thereafter reached the conclusion that his withdrawal from the prosecution will serve the public interest and the petitions remain silent about the grievances of the defacto complainant.

All the petitions dated 11.02.13, dated 16.03.13 and dated 07.05.13 are devoid of any merit and hence the same are accordingly rejected on contest.

Fixing 17.07.2013 for fixing date of trial and appearance of the accused persons .

Accused persons are as before.

Dict. & Correct.
by me .

A. S. J

Addl. Sessions Judge,
Fast Track, First Court,
Malda .