

*Present: N. Tamang, Ld. Additional District and Sessions Judge,
Fast Track, 1st Court, Malda. WB 01096
Sessions Case No. 136 of 2010
Registration No. 413 of 2014*

Order no. 126 Date 05.06.2025

Today is fixed for Report by the Ld. PP in Charge and awaiting Order from the Hon'ble Calcutta High Court.

Ld. PP in Charge and Ld. Defence Counsel for accused Krishnendu Narayan Chowdhury are present.

One accused Krishnendu Narayan Chowdhury is absent by petition and prays for time.

Perusal of the case record reveals that there were initially 21 accused persons when the case was committed. The same even finds mention in Order Dated 14.03.2012.

However on perusal of the Order Dated 15.03.2012, the Order reveals mention of only 20 case. Further perusal of the Order Dated 24.03.2014 reveals mention of 13 accused persons who were present on that date and the representation of the other 5 accused persons u/s 317 CrPC. Thus, it can safely be inferred that there is confusion as to the appearance or representation of the remaining 2 accused persons in so far Order Dated 15.03.2012 and the appearance or representation of the remaining 3 accused persons in so far Order Dated 14.03.2012.

However on further perusal of Order Dated 18.09.2014, it appears that there is mention of 20 accused persons in total. The same finds reflection in Order Dated 20.04.2015 as well. However order dated 17.06.2015 refers to 21 accused and order dated 19.08.2015 refers to 22 accused, 16 being present on that day and representation of 6 accused persons u/s 317 CrPC. However order dated 15.12.2015 refers to 20 accused.

Further perusal of the Order Dated 26.09.2016 reveals that death report was called in respect of one accused Sripati Roy and that the different ordersheets thereafter reveals that the death report was not received and thereafter the Order Dated 17.03.2018 reveals that the case record was sent to the New Special Court at Barasat and order dated 15.02.2023 further reveals that the case record was received back from Ld. Special Court to cure some defects and transmit again. It further appears that the death report of the accused Goutam Das was also called for vide order Dated 16.03.2018 but till date, there is mention in the further orders thereafter as to whether any death report of Goutam Das was received or not. Thereafter the status report was also sought by the Hon'ble Calcutta High Court which was complied by the Ld. Predecessor-in-Chair.

Further perusal of the Order Dated 01.04.2024 reveals that reference is made to Order Dated 20.08.2010 wherein it appears that the case was filed for the present in respect of the accused Tuktuk Das. However on further perusal of the case record it appears that the case against the accused Tuktuk Das was filed for the present vide Order Dated 10.11.2010. The same in a sense does now clarify regarding the mention of 20 accused persons instead of 21 accused persons.

Thus from the above, it is amply clear that there are 20 accused persons at present out of whom death report has been called for in respect of 2 accused namely Sripati Roy and Goutam Das.

Fix 10-09-2025 for bring further order of the Hon'ble Calcutta High Court and appearance of the remaining accused.

As the remaining accused are absent without steps, inform the Ld. Advocates and Sureties of the remaining absentee accused persons.

Dictated, Corrected By Me.

ASJ, FTC-1, Malda.

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