

Sessions Case No. 120 of 2017

Present : Sri Arun Singha
Addl. Sessions Judge,
3rd Court, Malda.

Order No. 100 dated 06-01-2022

Today is fixed for evidence.

Accused Tahirul Sk. and Sani @ Sanyrul Sk. are produced from J.C.

Accused Karimullah Sk. on bail is present.

No witness is present today.

Ld. Advocate for accused Tahirul Sk. submits that the accused is in custody since 04.12.2016 and he has been falsely implicated in this case. It is further submitted that principal accused is on bail granted by the Hon'ble High Court. It is also submitted that till date from the evidence as adduced nothing has been made out to implicate the accused. Accordingly, he prays for bail of accused Tahirul Sk. on any condition.

Ld. Advocate for accused Sani @ Sanyrul Sk. submits that the accused is in custody since 12.12.2016 and he has been falsely implicated in this case. It is further submitted that principal accused is on bail granted by the Hon'ble High Court. It is also submitted that till date from the evidence as adduced nothing has been made out to implicate the accused. Accordingly, he prays for bail of accused Sani @ Sanyrul Sk. on any condition.

Ld. P.P. in-charge vehemently opposes the bail prayer. It is submitted that the accused persons were identified in T.I. parade and it is also submitted that there are sufficient materials on evidence against this accused persons.

Perused the case record.

On perusal of the case record, it appears that it is a case under Section 302/376D/201/34 of the IPC. It further appears that 21 nos. of prosecution witnesses have already been examined and discharged. It also appears that vide order dated 24.03.2021 passed in CRM No. 1155 of 2021 bail prayer of accused Tahirul Sk. was rejected by the Hon'ble High Court.

After hearing both sides and on perusal of the case record it appears that only two prosecution witnesses are yet to be examined and those are the J.M. and the I.O.

In the present facts and circumstances, I am not inclined to grant bail. Hence, the bail prayers of the accused persons are considered and rejected.

Ld. P.P. in-charge files one petition praying for schedule for the evidence of remaining witnesses.

It appears that dates have been fixed up for examination of the prosecution witnesses, i.e., 06.01.2022 and 07.01.2022 and thus the schedule is ending on 07.01.2022.

Considering the present pandemic atmosphere due to the effect of Omicron virus and keeping in mind the latest notification of the Hon'ble High Court dated 01.01.2022 along with order no. 03/G dated 04.01.2022 of the Learned District Judge, Malda in this regard the evidence cannot be recorded at this stage.

In the circumstances, fix **09-03-2022** for the examination of J.M. and I.O.

Prosecution is directed to take all necessary steps for ensuring the attendance of the witnesses on the dates fixed.

To 09.03.2022 for production of accused Tahirul Sk. and Sani @ Sanyrul Sk.

Accused Karimullah Sk. on bail as before.

Record need not be put up on 07.01.2022.

Dictated and Corrected by me

Addl. Sessions Judge,
3rd Court, Malda.

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Sessions Case No. 120 of 2017

Present : Sri Arun Singha
Addl. Sessions Judge,
3rd Court, Malda.

Order No. 102 dated 09-03-2022

Today is fixed for evidence.

Accused Tahirul Sk. and Sani @ Sanyrul Sk. are produced from J.C.

Accused Karimullah Sk. on bail is present.

No witness is present today.

Ld. P.P. in-charge files one petition praying for schedule for the evidence of remaining witnesses.

Heard both sides.

In the circumstances, fix **06-05-2022 and 07-05-2022** for the examination of J.M. and I.O.

Prosecution is directed to take all necessary steps for ensuring the attendance of the witnesses on the dates fixed.

To 06.05.2022 for production of accused Tahirul Sk. and Sani @ Sanyrul Sk.

Accused Karimullah Sk. on bail as before.

Dictated and Corrected by me

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3rd Court, Malda.

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Sessions Case No. 120 of 2017

Present : Sri Arun Singha
Addl. Sessions Judge,
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Order No. 103 dated 11-04-2022

Record is put up on the basis of a petition filed on behalf of accused Sani @ Sanyrul Sk.

Another petition is also filed on behalf of the accused with a prayer to prepone the date of evidence.

Heard both sides.

Ld. Advocate for the accused submits that vide order dated 25.03.2022 passed in CRM (DB) 483 of 2022, the Hon'ble Court has been pleased to rejected the bail prayer of the accused with an observation to conclude the trial within three months from the next date fixed for evidence.

Ld. P.P. in-charge submits that summons have not been served for the dates fixed for evidence and he submits that he will serve the summons by the course of the day.

Perused the case record and the order dated 25.03.2022 of the Hon'ble High Court passed in CRM (DB) 483 of 2022.

From the record it appears that 06.05.2022 and 07.05.2022 are fixed for examination of the J.M. and I.O.

From the order dated 25.03.2022 of the Hon'ble High Court passed in CRM (DB) 483 of 2022, the Hon'ble High Court has been pleased to observe “..... to conclude the trial at an early date preferably within three months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.”

In the circumstances, prosecution is directed to take a serious note on this and to issue summons at the earliest and to take all initiatives to ensure the presence of those two witnesses on the dates fixed.

To date.

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Sessions Case No. 120 of 2017

Present : Sri Arun Singha
Addl. Sessions Judge,
3rd Court, Malda.

Order No. 104 dated 06-05-2022

Today is fixed for evidence.

Accused Tahirul Sk. and Sani @ Sanyrul Sk. are produced from J.C.

Accused Karimullah Sk. on bail is present.

No witness is present today.

Ld. P.P. in-charge files one petition praying for a fresh schedule for the evidence of the witnesses, namely, Learned Magistrate and I.O.

Heard both sides.

On perusal of the case record it appears that dates have been fixed up for examination of the prosecution witnesses, on today i.e., 06.05.2022 and 07.05.2022 and thus the schedule is ending on 07.05.2022.

On perusal of the case record it appears that summons have been duly issued but at late.

In the circumstances, prayer of ld. P.P. in-charge is considered and allowed, considering the examination of aforesaid two witnesses.

Accordingly, the schedule is hereby scrapped.

In the circumstances, fix **04-07-2022 and 05-07-2022** for the examination of the Ld. J.M. and I.O.

Prosecution is directed to take all necessary steps for ensuring the attendance of the witnesses on the dates fixed.

To 04.07.2022 for production of accused Tahirul Sk. and Sani @ Sanyrul Sk.

Accused Karimullah Sk. on bail as before.

Dictated and Corrected by me

Addl. Sessions Judge,
3rd Court, Malda.

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