

In the Court of Addl. Dist. & Sessions Judge, 4th Court, Barasat, North 24-Parganas.

S.T. No.01(03)17

S.C. No.477 of 2016

[Habra P.S. Case No.312, dt.28.04.16, u/s.326/307/302/34 IPC adding S.303/120B IPC].

[G.R. No.1142 of 2016]

Present : M. Dutta, Addl. Dist. & Sess. Judge, 4th Court, Barasat, North 24-Parganas.

**State – Vs. - 1. Kaliram Biswas, 2. Tilak Biswas, 3. Sadhan Sarkar,  
4. Sumonto Debnath @ Akash, 5. Puspa Sarkar &  
6. Suvo Das.**

**... Accused persons.**

**Charge U/Ss.457/326/307/302/34/120B IPC &  
U/S.25(1)(a)/27 Arms Act.**

**Or. No.01**

**Dt.01.03.17**

Out of total 06 accused persons as per C.S, 04 accused persons namely, **1. Kaliram Biswas, 2. Tilak Biswas, 3. Puspa Sarkar & 4. Suvo Das** are on c/b and are present today with their Ld. Advocates.

Another 02 accused persons namely, **1. Sadhan Sarkar & 2. Sumonto Debnath @ Akash** have been produced from J/C before this Court today. Ld. Advocates for said 02 accused persons are also present.

Ld. P.P-in-charge is present.

Today is fixed for appearance of 04 accused persons, production of 02 accused persons and for consideration of charge.

The case record is taken up accordingly for consideration of charge.

Perused the materials on record as well as on the C.D. Heard both the sides. Considered.

Learned Chief PP opens the prosecution case and has submitted that on 28.04.16 at about 12.30 a.m at night at the house of the defacto-complainant Sudipta Bairagi at village Kharo Gojer Math under P.S Habra, North 24-Parganas, all the present 06 accused persons, in furtherance of common intention of them all, committed lurking trespass by night by entering into the house of the defacto-complainant, with arms and weapons and

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they seriously injured the parents of de facto-complainant by arms and 'Nepla' and by other weapons and the mother of the de facto-complainant died due to said incident and the father of de facto-complainant was seriously injured and that there are sufficient materials in the C.D to frame Charge U/Ss.357/326/307/302/34/120B I.P.C and also charge U/S.27(1) Arms Act r.w S.34 IPC against all the accused persons and also charge U/S.25(1)(a) Arms Act r.w S.34 of IPC against accused Sumonto Debnath @ Akash and accused Puspa Sarkar.

Considering the materials in the C.D and considering the submissions of both the sides, I am of the considered opinion that there are sufficient prima facie materials in the C.D to frame charge U/Ss.357/326/307/302/34/120B I.P.C and also charge U/S.27(1) Arms Act r.w S.34 IPC against all the accused persons and also to frame charge U/S.25(1)(a) Arms Act r.w S.34 of IPC against accused Sumonto Debnath @ Akash and accused Puspa Sarkar.

**As such Charge U/Ss.357/326/307/302/34/120B I.P.C and also charge U/S.27(1) Arms Act r.w S.34 IPC against all the accused persons and charge U/S.25(1)(a) Arms Act r.w S.34 of IPC against accused Sumonto Debnath @ Akash and accused Puspa Sarkar is hereby framed in 03 separate sheets.**

The charge so framed is read over and explained to the present 06 accused persons in Bengali to which the said accused persons have pleaded not guilty by saying “ ” and have claimed for trial.

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The following dates have been fixed for evidence for the prosecution witnesses.

**To 16.05.17 for evidence of CSW. No.1 (defacto comp.).**

**To 17.05.17 for evidence of CSW. No.2.**

**To 18.05.17 for evidence of CSW. No.3.**

**To 19.05.17 for evidence of CSW. No.4.**

**To 20.05.17 for evidence of CSW. No.5.**

**Issues summons to said witnesses accordingly.**

Prosecution is hereby directed to produce the seized Alamats if any, on the next date.

The schedule for evidence of the remaining witnesses will be fixed after completion of evidence of present schedule.

02 accused persons namely, **1. Sadhan Sarkar & 2. Sumonto Debnath @ Akash** are hereby remanded to J/C till next date.

Other 04 accused persons namely, **1. Kaliram Biswas, 2. Tilak Biswas, 3. Puspa Sarkar & 4. Suvo Das** are on court bail as before.

D/c. by me

Judge

[M. Dutta]

ADJ, 4th Court, Barasat.  
24 Parganas (North).