

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

S.C. No.477 of 2016

[G.R. No.1142 of 2016]

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

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

Or. No.08

Dt.26.07.17

Out of total 06 accused persons as per C.S, 05 accused persons namely, **1. Kaliram Biswas, 2. Tilak Biswas, 3. Puspa Sarkar, 4. Suvo Das & 5. Sadhan Sarkar** are on c/b and are present today with their Ld. Advocates.

Another accused person namely, **Sumonto Debnath @ Akash** has been produced from J/C before this Court today.

Ld. Advocates for said accused persons are present. Ld. P.P.-in-charge is also present.

Today is fixed for evidence from prosecution side. One witness namely Bhaben Bairagi (CSW No. 03) is present.

Received one appointment letter daed 26.07.17 from the Secretary, DLSA, Barasat from which it appears that ld advocate Abdul Rouf Mondal has been appointed by the DLSA, Barasat for representing the custody accused Sumonto Debnath @ Akash in this case at the costs of the State.

At this stage accused Sumonto Debnath has submitted before this Court that he will not take any advocate at the costs of State and that he will appoint his own advocate lat his own costs and at his own choice.

Considering the oral submission of said accused I am of the opinion that though free legal aid has been provided to this custody accused to conduct his case by an advocate, he cannot be compelled to take the free legal aid as he is not willing to take free legal aid, rather, he is willing to appoint his own advocate at his own choice and at his own costs.

Said custody accused Sumanto Debnath has also submitted verbally that today he could not appoint his own advocate but on the next date he will appoint his own advocate to conduct his case.

**Contd.**

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Considering the above situation, this court is not in a position now to proceed with this case and accordingly the witness present today is discharged without examination.

**Inform the Secretary, D.L.S.A, North 24-Parganas at Barasat accordingly.**

**To 21.08.17 for evidence from prosecution side.**

**The prosecution is to produce the witness on the next date.**

Accused Sumonto Debnath @ Akash is hereby remanded to J/C till 21.08.2017.

**Accused Sumanto Debnath @ Akash is hereby directed to take step for appoint of his own advocate to conduct his case on the next date and no further adjournment will be allowed on the ground of non-representation at the time of evidence.**

**Let a copy of this order be sent to the Secretary, D.L.S.A, North 24-Parganas at Barasat for information and for taking necessary action.**

D/c by me

Judge

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