

SC No. 100 of 2025

CNR WBNP06000682-2025

Order No.34

Date: 16/01/2026.

Ten accused are produced before the court today from Judicial Custody. Ld. Spl. PP filed hazira for the prosecution and said he is ready with witness Sri Sontosh Mohanta. Conducting Ld. Advocate Sri Mukul Biswas is absent today on repeated call. Ld. Advocate Sri Joydeb Halder for the accused Subrata Bala is found present. It is now 03.00 p.m. None appeared for the 09 accused persons on repeated call. Thereafter at about 03.30 p.m one ld. Counsel appeared in court and disclosed her identity as Sinky Das and filed an application before the court and submitted that she has come from Ranaghat Court and she is member of Ranaghat Court. She further submitted that ld. Counsel Sri Mukul Biswas is unable to appear in court since the road is blocked due to the political programme but he can conduct cross examination through virtual mode. One copy of email without any signature of any counsel also filed on behalf of the accused which shows the time of sending at 14.13 hrs. On being asked she said that she is not recorded lawyer in this case and has not filed any Vokatnama for any of the accused persons. She further submitted that shot date may be given for cross examination of PW-09.

Ld. Spl. P.P. oppose the prayer of the ld. Counsel strongly and submitted this is highly sensitive case and the allegation against the accused persons for mis-appropriating amount of Rs.350 crores approximately and dates/ schedule have been fixed by the court in consultation of both parties. He further submitted that on the last date also the said witness was returned for the absence of the ld. Counsel Sri Mukul Biswas. He said that there are other Ld. lawyers also on behalf of the accused persons who are from the local Bar Association, they should remain present for the accused. He submitted that this is purely dilatory tactics taken by the defence counsel to defeat the direction of the Hon'ble High Court for recording 10 witnesses by the end of this month for obtaining bail. He said accused are highly powerful and they have several lawyers in this case record apart from Sri Mukul Biswas. He said under no circumstance witness can be returned without examination. He further submitted that if the defence want to conduct the trial by virtual mode prosecution and the court should be informed well in advance and after hearing both party appropriate date can be fixed by the court for virtual

hearing. There is certain procedure in this regard which ld. defence counsel didn't follow. Witness is a Deputy Branch Manager of a Bank and in view of recent direction of the Hon'ble High Court witness can't be returned unexamined. So, he submitted for rejection of the prayer and proceed with the trial.

After considering the submission of the ld. Spl. P.P. and Ld. Advocate Sinky Das who is not the recorded counsel for the accused persons, I am of the view that direction of the Hon'ble High Court is the paramount consideration for the court. The contention of the ld, Advocate that he failed to attend the court due to road blocking for Political meeting appears to me not acceptable. The said political programme was definitely prefixed. On the last date too, prayer was made at 02.44 hrs. *via* email which was rejected by the court and witness was returned unexamined considering the verbal submission of the Ld. Advocate Sri Jyotirmoy Nath for the accused persons for such unexpected situation. There is certain procedure for virtual appearance or recording of deposition of any witnesses which the party has to follow. The application for virtual appearance has not made in prescribed format as per law. Sufficient opportunity not given to court for trial/arrangement of virtual operation. The said application has come to the court in surprise. Nobody informed the court from even from the morning about the said matter. Time of evidence was fixed at 03.00 p.m by the court in consultation of both party and it is also noticed by the court that cross examination of each witnesses takes huge time during trial. There are more than 50 witnesses in the charge sheet. Case record was taken at 03.00 p.m yet no body appear in court-to-to give prayer for virtual appearance in advance. The conduct of the ld. defence Counsel clearly appears to me that he pretended himself to be ready to conduct the case, but prayer is made with ulterior motive at such time when the court can't make necessary arrangement for virtual trial. For virtual mode the Court Point Coordinator has to be informed for preparation of the system which is not possible at this short duration. There is direction of Hon'ble High Court for examination of 10 witnesses by the end of this month and this direction can't be taken lightly by the defence. In this case already several adjournments have been granted by the court previously for different reasons.

More over as I said earlier the application was also not made as per prescribed format in this regard in advance. Opposite party didn't get adequate opportunity to make their submission in this regard. There is no recorded ld. Advocate present in court room now on behalf of the accused

persons to assist the ld. Counsel on virtual mode for referring any documents to the witnesses if so required. So, the prayer for virtual mode cross examination by the ld. Counsel is considered and rejected for non-following of due procedure as discussed above.

At this moment, option was also given by this court to ld. Counsel Sinky Das for calling other ld. counsels on record on behalf of the accused persons for cross examination of the witnesses since there are several other recorded lawyers for the accused persons but she replied she doesn't know any other lawyer on record. It is now already 03.50 p.m. So cross examination on behalf of the 09 accused persons is deemed to have been decline for absence of ld. Counsel in spite of having sufficient opportunity.

Thereafter ld. Advocate Sri Joydeb Haldar is permitted to cross examine on behalf of the accused Subrata Bala. Accordingly, ld. Advocate Sri Joydeb Haldar cross examined the said witness PW-9 fully and thereafter the witness (PW-9) is discharged.

To 19/01/2026 for Cross examination of CSW-12 and CSW No.13.

Superintendent correctional Home is directed to produce the accused persons next date before the court positively.

Both parties are directed to come ready for evidence next date positively and no adjournment shall be allowed to either party to the case since there is direction of Hon'ble High Court for recording 10 witnesses by the end of this month and schedule has already been fixed accordingly.

Additional Sessions Judge,
Fast Track Court-II, Bongaon,
North 24 Parganas