

**In the Court of the Additional District & Sessions Judge,  
Fast Track Court – I,  
Basirhat, Dist.- North 24 Parganas**

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Present

Shri Pradip Kumar Adhikary, WBJS,  
J O Code (UID No.) - WB916,  
Additional District & Sessions Judge,  
Fast Track Court – I,  
Basirhat, Dist.- North 24 Parganas.

**CNR No.- WBNP 1000 0451 2020  
Sessions Case No.- 114 of 2022  
(Registration Number)  
ST No.- 13 (10) of 2023  
arising out of  
Swarupnagar PS Case No.- 718 of 2019 dated 14/09/2019  
Charge framed under section 46AA of the Bengal Excise Act, 1909**

State

v.

**Ali Hossain Sardar**

Order No.- 10  
18/10/2023

Today is fixed for appearance of accused and framing of charge.

The sole accused on Court bail is present by filing hazira.

The Ld. PP-in-Charge Smt. Tinayanee Dalal is present by filing hazira.

It appears that the copies of police report, first information report recorded under section 154 CrPC, statement recorded under section 161 CrPC of all persons whom the prosecution proposes to examine as its witnesses and all other documents or relevant extract thereof forwarded by the police officer under section 173 of the CrPC were already furnished to the accused, free of cost, in accordance with the provisions of section 207 read with section 209 of the Cr.P.C.

The case record is taken up for framing of charge against the accused.

Considered the record of the case and the documents submitted therewith.

Heard both sides.

The PP-in-Charge opens his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.

Heard the submissions of the accused on the record of the case and documents as filed by the prosecution.

**The Ld. Defense Counsel submits that there is no sufficient ground for proceeding against the accused.**

The accused **has** neither produced any materials and documents nor explained grave suspicion against **him** emerging from the charge-sheet along with the accompanying materials and documents.

Upon such consideration and hearing the Court is of opinion that there is ground for presuming that the accused **has** committed offence which **is/are** exclusively triable by the Court of Session and accordingly, charge punishable under **46AA of the Bengal Excise Act, 1909** is framed in writing against the accused in a separate charge form which is kept with the record.

The said charge is then read over and explained to the accused in Bengali and asked whether **he has** pleaded guilty of the offence charged or claimed to be tried to which the accused **has** refused to plead guilty by saying “**Ami nirdoshi**” and claimed to be tried.

To 10/01/2024 for evidence of CSW Nos.- 01 to 03;

To 11/01/2024 for evidence of rest CSWs in terms of section 231, Cr.P.C.

The accused is directed to remain present on the next date.

In compliance with the mandates of the Hon'ble Apex Court as well as our Hon'ble Court the Investigating Officer is directed to remain present during trial.

The Investigating Officer is also directed to keep the witnesses present in Court.

The Officer-in-Charge of the concerned Police Station is directed to ensure the presence of the Investigating Officer on the date(s) fixed along with witness(es).

If due to some unavoidable circumstances it is not possible for the Investigating Officer to remain present before the Court, the Officer-in-Charge shall depute any other competent police officer who shall ensure the presence of witnesses before the Court on the date of recording of evidence.

It is the duty of the Investigating Officer to protect the witnesses and ensure their presence before the Trial Court, for taking to its logical conclusion. It will help both the victim and the accused person, to have speedy justice which pertains to their right to life as well.

The prosecution is directed to issue process for compelling the attendance of the witnesses and / or the production of the document or thing, if any and to inform the Investigating Officer.

Let a copy of this order be sent to the Officer-in-Charge of the concerned Police Station for compliance.

The Bench Clerk is directed to do the needful at once.

Typed by me

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