

**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 0328 2020  
SC No.- 146 of 2019  
(Registration Number)  
ST No.- 03 (04) of 2022  
arising out of  
Minakhan PS Case No.- 286 of 2017 dated 26/09/2017  
Charge framed under sections 306/34 of the Indian Penal Code, 1860.**

State

v.

**Biplab Biswas, Kanika Biswas, Suman Biswas, Anshuman Roy, Karnadhar Roy and Usha  
Rani Roy**

Order No.- 15  
03/04/2024

Today is fixed for evidence on behalf of the prosecution, hearing of the application filed by the Ld. PP-in-Charge and filing vakalatnama by Ld. Advocate Shri Arpan Halder.

Out of six (06) accused on Court bail one (01) accused Suman Biswas is present by filing hazira and three (03) accused Anshuman Roy, Karnadhar Roy and Usha Rani Roy are absent and filed an application praying for proceeding the case in their absence represented by the pleader under section 317 CrPC as the accused Anshuman is out of station for his livelihood and other two accused are old aged.

Heard.

The Ld. PP-in-Charge Shri Prabir Kumar Kundu who is present by filing hazira has raised no objection.

Considered the materials on record.

Upon such consideration and hearing it is sprouted that the progress of the trial can be achieved even in the absence of the absentee accused and as such the personal attendance of the absentee accused before the Court today is dispensed with as they are represented by the pleader in the interest of justice on condition that they would not dispute their identity as the particular accused in this case.

Other two (02) accused Biplab Biswas and Kanika Biswas are also present by filing hazira.

Regarding CSW No.- 03, Bijay Biswas on the last date i.e. on 02/04/2024 the Ld. PP-in-Charge filed an application for verification report to ascertain whether the witness Bijay Biswas, S/O.- Bipad Bhanjan Biswas and Bijay Biswas, S/O.- Late Biplab Biswas is same and identical person.

The copy of the application filed by the Ld. PP-in-Charge on the last date has been served to the Ld. Advocate on behalf of the accused.

Heard both sides.

The Ld. Advocate on behalf of the accused has raised objection.

From the case record and the case diary produced by the Ld. PP-in-Charge it appears that the Investigating Officer recorded statement of Bijay Biswas, S/O.- Late Bipad Bhanjan Biswas under section 161 CrPC but his name does exist in the particulars of the witnesses in the charge-sheet. On the other hand the Investigating Officer cited one Bijay Biswas, S/O.- Late Biplab Biswas as CSW No.- 03 in the charge-sheet but his statement found not to be recorded by the IO. It is required to be clarified why the Investigating Officer has not cited Bijay Biswas, S/O.- Late Bipad Bhanjan Biswas in the charge-sheet and why he has cited Bijay Biswas, S/O.- Late Biplab

Biswas in the charge-sheet. As per prayer of the Ld. PP-in-Charge it is also required to be ascertained whether Bijay Biswas, S/O.- Late Bipad Bhanjan Biswas and Bijay Biswas, S/O.- Late Biplab Biswas is same and identical person.

In the above circumstances the Investigating Officer is directed to appear in person and to file a written explanation to that effect.

If the Investigating Officer is not available the Officer-in-Charge, Minakhan PS directed to appear in person and to file the above explanation.

To /2024 for evidence CSW Nos.- 03 & 05 and appearance of the Investigating Officer / Officer-in-Charge, Minakhan PS with written explanation and filing vakalatnama by Ld. Advocate Shri Arpan Halder.

To 05/08/2024 for evidence of CSW Nos.- 06 & 07;

To 06/08/2024 for evidence of CSW Nos.- 08 & 09;

To 07/08/2024 for evidence of CSW Nos.- 10 & 11;

To 08/08/2024 for evidence of CSW Nos.- 12 & 13; and

To 09/08/2024 for evidence of rest CSWs in terms of section 231, Cr.P.C.

The accused are 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, Minakhan PS for compliance.

Let another copy of this order be sent to the Superintendent of Police, Basirhat PD for information and necessary action.

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

Typed by me

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