

**21.04.2025**

Today is fixed for appearance/production/ER of W/A.

The accused persons namely Parimal Halder, Dasarath Roy, Md. Hilal Gaji are produced from J/C through V.C and are taken into custody and remanded to J.C till next date.

The accused person Rajibul Khan is present before this Court by filing hajira.

The Id. Advocate for the accused person Dasarath Roy has filed an application for bail petition alongwith his lawyer's fresh vakalatnama. The Id. Advocate for the accused person moves the bail petition on the ground stated in the petition.

The Id. P.P in Charge of Basirhat Sub Division Shri Gautam Banerjee is present. When he is asked about the stand of the prosecution in respect of the bail petition filed by the accused person Dasarath Roy then he submits that the Id. Advocate Dibyendu Dey is the appointed P.P In Charge for the purpose of this case and so he has no CD with him and thus he is unable to submit anything regarding this case.

The Id. Advocate Dibyendu Dey is absent without any step and he is found absent on call. No accommodation for time has been sought for or on behalf of him.

In this case Charge sheet under section 188 IPC/14A(b) Foreigners Act & 12 Passport Act has already been filed against the 5 accused persons and thus prima facie case under section 188 IPC/14A(b) Foreigners Act & 12 Passport Act has already been established against the 5 accused persons. In absence of the Id. Advocate for the prosecution and the CD this Court is unable to decide the bail application on merit. Hence, the bail petition is rejected.

The perusal of the record reveals that the accused persons of this case was arrested on 26.02.24 and thus the accused persons are in custody for more than 1 year. The accused persons are entitled to get speedy trial as enshrined in our Constitution. No one should be kept behind the bar without trial. In this case the Id. P.P in Charge Dibyendu Dey inspite of being appointed as P.P In Charge of this case has neglected to remain present before this Court for which the bail petition of the accused person Dasarath Roy can not be effectively disposed of. He is a P.P in Charge and being a Public Prosecutor he has the responsibility to appear before the Court as and when the date is fixed in the case in which he has been appointed as P.P In Charge. The conduct of the Ld. Advocate Dibyendu Dey shows that he is not at all serious about the case and is unbecoming for being appointed as a P.P In Charge of a Sessions Triable Case. Thus, the conduct of the Id. P.P in Charge Dibyendu Dey is highly unsatisfactory. In such facts and circumstances this Court thinks it is fit and proper to inform the DM North 24 Parganas and the District P.P North 24 Parganas to take note of the whimsical conduct of the Ld. P.P in Charge Shri Dibyendu Dey to prosecute the Sessions case and take necessary action, if any.

The record further reveals that Swarupnagar P.S has failed to execute the WA inspite of the order from this Court and no prayer for time to execute WA or to issue WPA has been received by this Court. This is very unfortunate state of affairs. The O.C Swarupnagar P.S is strictly directed to execute WA against the absconder accused person Prasant Hashmukhbhai Bhojvya by the next date.

Fix **22/05/2025** for appearance/Production and ER of WA.

Let the copies of this order be sent to the District Magistrate, North 24 Parganas, District P.P North 24 Parganas and the O.C Swarupnagar P.S.

D/C by me.

Addl. Sessions Judge,

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