

ST 2(3)2023
Present. Sri. Sanjay Naskar, Ld. P.O.
JO Code (UID No) WB01025

Order No. 19
Dated. 11-03-2024

The accused Kader Molla, Latif Molla, Khatib Molla are produced from J/C and taken into custody and remanded to J/C till date. The accused Azmira Bibi is absent and represented u/s 317 of Cr.P.C. Rest accused persons are present. Today is fixed for hearing the petition dated 16-02-2024 and recording further evidence of PW-1, Habiba Bibi.

As fixed the record is taken up for hearing the petition dated 16-02-2024 filed by the accused praying for granting parole to the accused Kader Molla.

The Ld. Advocate for the accused submitted that the prosecution is not producing the witnesses and dragging the case day by day. The accused Kader Molla is seriously ill and has been suffering from health issues for a considerable period and so he should be released on parole for the purpose of his proper treatment. The Ld. Advocate for the accused further pointed out that today is fixed for evidence of PW-1 but the prosecution could not produce the said witness and there is a vague medical prescription filed by the prosecution in this behalf and the prosecution relying upon the said vague medical prescription which stands in the name of Sakil Ahammed who is not a party to this case and so he prays for necessary order in this behalf.

The Ld. PP in Charge vehemently raised objection and submitted that the patient Sakil Ahammed is the son of the PW-1 and the said child Sakil Ahammed has undergone circumcision operation and so PW-1 could not come today in court.

Having heard both sides and on perusal of the record, it appears that there is a direction of Hon'ble court for expeditious trial of this case without granting unnecessary adjournment to the parties. The Ld. PP in Charge submitted that the son the PW-1 has under gone operation and so she could not come today. So, the situation as submitted by the Ld. PP in Charge was beyond the control of PW 1 and as such the case is adjourned today and the prosecution is directed to produce the witnesses on the date fixed positively.

With regard to the petition dated 16-02-2024 regarding granting parole to the accused Kader Molla. It is pertinent to mention that accused Kader Molla is not a convicted person in this case and so this court had no scope to grant parole to him with regards to health issues of the said accused Kader Molla. The superintendent of the concerned correctional Home is directed to provide proper medical treatment to the accused Kader Molla. So, the petition dated 16-02-2024 is rejected on contest.

Let the copy of this order be sent to the superintendent of the concerned correctional Home for information and necessary action.

Fix 28-03-2024 for evidence of PW-1.

Prosecution is directed to issue summon upon PW-1.#

Additional District & Sessions Judge,
Fast Track 3rd Court, Basirhat.