

**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.

**ST No.- 61 of 2019**

**CNR No.- WBNP 1000 1689 2019**

**State**

**v.**

**Hasirun Laskar @ Jhuma Laskar, Rafikul Laskar, Gouri Tamang, Mrinal Kanti  
Sarkar @ Gopal, Puja Lal Sharma @ Asma and Sagar @ Israfil Laskar**

Order No.- 33  
04/11/2022

Today is fixed for passing order in respect of the petition dated 07/02/2022 and petition dated 20/04/2022 and production and appearance of the accused.

**Out of seven (07) accused the accused against the accused Priti Tamang @ Pawar Madam was filed for ever on 01/02/2022.**

The case is now proceeding against **six (06) accused.**

Out of six (06) accused three (03) accused **Hasirun Laskar @ Jhuma Laskar, Mrinal Kanti Sarkar @ Gopal and Puja Lal Sharma @ Asma are on Court bail.** All these three (03) accused who are on Court bail are present by filing separate hazira.

The remaining three (03) accused **Rafikul Laskar, Gouri Tamang and Sagar @ Israfil Laskar are produced from judicial custody.**

The accused Gouri Tamang has filed an application praying for releasing [her](#) on bail on the ground that she is behind the bar since long and till date no witness has come to depose in this case and she is innocent and has been falsely implicated and she will attend the Court regularly if she gets bail and there is no chance of absconding.

The accused Sagar @ Israfil Laskar has also filed an application praying for releasing [him](#) on bail on the ground that he has been falsely implicated in this case, the co-accused are on bail and he has hearth home and root in the society and as such he will not abscond or evade trial.

The Ld. Special Public Prosecutor is present by filing hazira.

Notice of the application for bail has been given to the Ld. Special Public Prosecutor wherein [he](#) has endorsed [his](#) signature raising **objection.**

Heard both sides.

Considered the materials on record.

Upon such consideration and hearing it appears that finding that there is sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to the Magistrate, the Officer-in-Charge, Basirhat PS submitted charge-sheet punishable under sections 363/365/366/368/370/370A/342/343/344/346/419/120B of the of the Indian Penal Code, 1860 [read with sections 3/4/5/6/7/9 of the Immoral Traffic Prevention Act, 1956](#) and also forwarded the accused for trial. Subsequently, after scrupulously scrutinizing the report and accompaniments by applying judicial mind, the final report was accepted and cognizance of the above mentioned offence was taken. Thereafter, the case record was committed to this Court.

It transpires that on 12/12/2019 upon consideration of the record of the case and the documents submitted therewith along with case diary and hearing of both the parties the

Court was of opinion that there was ground for presuming that the accused **have** committed offence which **are** exclusively triable by the Court of Session and accordingly, charge punishable under sections **363/366/368/370/370A/342/343/344/346/419/120B of the of the Indian Penal Code, 1860 read with sections 3/4/5/6/7/9 of the Immoral Traffic Prevention Act, 1956** was framed in writing against the accused.

The case record further reveals that during framing of charge the accused **have** neither produced any materials and documents nor explained grave suspicion against **them** emerging from the charge-sheet along with the accompanying materials and documents.

So, there is no iota of doubt that a prima facie case punishable under the above mentioned sections has already been made out and the Court has already considered prima facie that there is sufficient ground to proceeding against the accused.

Hence, considering the nature of allegation, gravity of the offence, enormity of the crime, heinousness/seriousness of the accusation, circumstances in which it was committed, severity of the punishment in the event of conviction, the nature/character and strength of evidence in support of the accusation/charge and the danger of justice being thwarted with by grant of bail, the prayer for bail of the accused Gouri Tamang Sagar @ Israfil Laskar is refused at this stage.

The three (03) accused Rafikul Laskar, Gouri Tamang and Sagar @ Israfil Laskar are remanded to judicial custody till next date.

The case record is taken up for hearing of the application for cancellation of interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 filed by the de-facto complainant Badsha Sardar on 07/02/2020 which was endorsed by Ld. Special Public Prosecutor on 20/04/2022.

Neither the de-facto complainant nor the Ld. Advocate on his behalf was found present on repeated calls.

The Ld. Special Public Prosecutor has submitted that hearing of the petition was already done before the Ld. Predecessor-in-Chair and it is fixed today for passing order.

The Ld. Advocate on behalf of the accused has also conceded the same.

Since the hearing was not done before the present PO who joined on 30/09/2022, the case is adjourned today with direction to both the parties to get ready for hearing of the instant petition. The desirous party / parties is/are directed to file written objection, if any, in the meantime.

Today is also fixed for passing order in respect of the petition for confirmation of the interim bail granted to the accused Puja Lal Sharma @ Asma and waiver of the condition imposed therein on 12/12/2019 filed by the accused on 20/04/2022.

It is evident from the record that on 20/04/2022 itself the said petition dated 20/04/2022 for confirmation of interim bail was rejected and thus disposed of.

Now it remains that the application for cancellation of interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 filed by the de-facto complainant Badsha Sardar on 07/02/2020 stands in the way of trial.

If the trial of the case and the hearing of the said petition are proceeded separately, no prejudice will be caused to the either parties; rather it will expedite the progress of the case.

Hence, **fix 19/11/2022 for hearing of the application for cancellation of interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 filed by the de-facto complainant Badsha Sardar on 07/02/2020, written objection, if any, in the mean time.**

Both the parties are directed to get ready for hearing of the said petition on the next date positively in default necessary order will be passed.

From the order of the interim bail granted to the accused Puja Lal Sharma @ Asma on 12/12/2019 it glitters that in allowing the interim bail to this accused this Court imposed certain conditions which are as follows :

1. During bail this accused shall remain present on each and every date of trial failing which the court shall be at liberty to cancel her bail.
  2. She shall not in any way leave her residence of Calcutta, 18B Linton Street, Kolkata – 14, under PS Beniapukur without permission of the Court.
  3. During her bail she shall not in any way tamper the evidence of threaten the witnesses or any shall not interfere in the trial.
  4. Ld. Advocate Bikash Ghosh shall give an undertaking for ensuring the appearance of the accused.
  5. The accused shall give hazira once in a week at Beniapukur PS.
- The copy of the said order was duly sent to the Beniapukur PS.

The Officer-in-Charge, Beniapukur PS is directed to submit a report stating whether the accused Puja Lal Sharma @ Asma complied with or violated the condition nos.- 2 and 5 by the next date positively.

The Investigating Officer is also directed to submit a report stating whether the accused Puja Lal Sharma @ Asma complied with or violated the condition no.- 03.

The Bench Clerk is directed to scan the record and submit a report stating whether this accused remained present or not on each and every date of trial.

**Fix 19/11/2022 for report by the Officer-in-Charge, Beniapukur PS, Investigating Officer and Bench Clerk.**

Let a copy of this order be sent to the Officer-in-Charge, Beniapukur PS and the Investigating Office through the Officer-in-Charge, Basirhat PS for compliance.

**Also fix 06/12/2022 for evidence of CSW No.- 01 & 02.**

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.

In compliance with the mandates of the Hon'ble Apex 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 accused who are on Court bail [are](#) directed to remain present on the next date.

The Superintendent of the concerned Correction Home is directed to produce the accused who are remanded to judicial custody.

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

Typed by me

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