

**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 1689 2019  
Sessions Case No.- 337 of 2019  
(Registration Number)  
ST No.- 61 of 2019**

**arising out of Basirhat PS Case No.- 1462 of 2016 dated 06/12/2016**

**Charge framed under sections 363/366/368/370/370A/342/343/344/346/419/120B of the  
Indian Penal Code, 1860  
and  
sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act, 1956**

**State**

**v.**

**Hasirun Laskar @ Jhuma Laskar, Rafikul Laskar, Gouri Tamang, Mrinal Kanti  
Sarkar @ Gopal, Pooja Lal Bahadur Sharma @ Asma, Sagar @ Israfil Laskar and  
Priti Tamang @ Pawar Madam, since deceased**

Order No.- 46  
29/03/2023

Today is fixed for filing written explanation and show-cause by the Bench Clerk and placing the report submitted by the Investigating Officer on 25/01/2023 and notification of the date of passing order regarding 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.

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

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 Pooja Lal Bahadur Sharma @ Asma are on Court bail.**

Two (02) accused Mrinal Kanti Sarkar @ Gopal and Pooja Lal Bahadur Sharma @ Asma are present by filing hazira and another accused Hasirun Laskar @ Jhuma Laskar is absent and filed a petition praying for proceeding the case in **her** absence represented by the pleader under section 317 CrPC as **she** could not turn up due to admission at hospital on account of pregnancy.

Heard.

Considering the ground the prayer is allowed.

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

The Ld. Advocate on behalf of the victim has filed hazira.

The accused Sagar @ Israfil Laskar has 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 absent.

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 is refused at this stage.

In placing the report submitted by the Investigating Officer on 25/01/2023 the Bench Clerk has submitted a written explanation for considering the same as show-cause which is reproduced as follows :

From  
Koushik Mazumdar  
Bench Clerk  
F.T.C-1.Basirhat

To  
The Additional Dist. & Sessions Judge  
F.T.C-1. Basirhat.  
North 24 Parganas.

Sub.written explanation regarding the order of show cause dt. 30/01/2023 in c/w case No. 61 of 2019.

Respected Sir.

Most respectfully, I Koushik Mazumdar as a Bench Clerk of your Honour's Court, draw kind attention that, in course of my duty, I have received a report from the I.O of the above referred case on 25/01/2023, but due to an inadvertent mistake the same has been misplaced and I could not able to produce the said report before Honour on the fixed date on 30/01/2023 for which your Honour has been pleased to direct me to file a written explanation and also to file a show-cause in this regard.

Thereafter,I have searched a lot in every possible corners of the Court room and fortunately I have found out the said report in question which I am submitting herewith for your kind perusal and oblige.

The inconvenience caused by me was completely unintentional and also not misled your Honours, rather the same was occurred inadvertently for which I am highly regretted before your Honour.

Further more,I sincerely apolozi before your Honour once again and requesting your Honour to consider this written explanation as the show cause in respect of the solemn order of your Honour dt 30/01/2023 and oblige.

Co-operative from your honour in earnestly solicited.  
With regards.

Sd/  
(Koushik Mazumdar)  
29/03/2023

Let it be kept with the record.

The case is adjourned for the ends of justice.

To 25/04/2023 for examination of CSW No.- 01;

To 26/04/2023 for examination of CSW No.- 04; and

To 27/04/2023 for submission of written questions and cross-examination of the P.W.- 01.

To 28/04/2023 for consideration of written explanation filed by the Bench Clerk, for placing their respective submission by the parties, if any, regarding the explanation and passing order regarding 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.

Typed by me

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

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