

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

Present

Shri Pradip Kumar Adhikary, WBSJ,
J O Code (UID No.) - WB916,
Additional District & Sessions Judge,
Fast Track Court – I,
Basirhat, Dist.- North 24 Parganas.

**CNR No.- WBNP 1000 1970 2021
SC No.- 217 of 2021
(Registration Number)
ST No.- 07 (01) of 2023
arising out of
Matia PS Case No.- 337 of 2018 dated 16/08/2028
Charge framed under section 302 of the Indian Penal Code, 1860**

State

v.

Malina Barman @ Arati Barman

Order No.- 10
05/01/2023

Today is fixed for production of the accused.

The sole accused is produced from judicial custody.

The Ld. Advocate Shri Prodip Biswas on behalf of the accused appointed through legal aid is also present by filing hazira.

The Ld. PP-in-Charge Shri Abhijit Biswas is present by filing hazira.

It appears that the copies of police report, first information report recorded under section 154 CrPC, statement recorded under section 161 CrPC of all persons whom the prosecution proposes to examine as its witnesses and all other documents or relevant extract thereof forwarded by the police officer under section 173 of the CrPC were already furnished to the accused, free of cost, in accordance with the provisions of section 207 read with section 209 of the Cr.P.C.

The case record is taken up for framing of charge against the accused.

Considered the record of the case and the documents submitted therewith.

Heard both sides.

The PP-in-Charge opens his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.

Heard the submissions of the accused on the record of the case and documents as filed by the prosecution.

The Ld. Defense Counsel submits that there is no sufficient ground for proceeding against the accused.

The accused has neither produced any materials and documents nor explained grave suspicion against him emerging from the charge-sheet along with the accompanying materials and documents.

Upon such consideration and hearing the Court is of opinion that there is ground for presuming that the accused has committed offence which is exclusively triable by the Court of Session and accordingly, charge punishable under **section 302 of the Indian Penal Code, 1860** is framed in writing against the accused in a separate charge form which is kept with the record.

The said charge is then read over and explained to the accused in Bengali and asked whether she has pleaded guilty of the offence charged or claimed to be tried to which the accused has refused to plead guilty by saying “Ami nirdoshi” and claimed to be tried.

To 24/04/2023 for evidence of CSW Nos.- 01 & 02;
To 25/04/2023 for evidence of CSW Nos.- 03, 04 & 05;
To 26/04/2023 for evidence of CSW Nos.- 06, 07 & 08;
To 27/04/2023 for evidence of CSW Nos.- 09, 10 & 11;
To 28/04/2023 for evidence of CSW Nos.- 12, 13 & 14 and
To 29/04/2023 for evidence of rest CSWs in terms of section 231, Cr.P.C.
The accused is directed to remain present on the next date.

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.

Let a copy of this order be sent to the Investigating Officer through the Officer-in-Charge of the concerned Police Station for compliance.

The Officer-in-Charge of the concerned PS is directed to inform the concerned Investigating Officer and direct him to remain present during trial without any excuse.

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.

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

Typed by me

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