

**S.C 14(6)2012**  
**CIS S.T. 83 of 2017**  
**Nodakhali PS Case No. 220 (11)2008 dated 20.11.2008 u/s 148/149/186/333/353/325 of IPC.**  
BGR No. 5442 of 2008  
**WBSP-01-015844-2017**  
**J.O. No. WB1277**

**Order No.42**  
**15.09.2022**

Accused namely Sabir Mondal, Arun Mondal, Chandi Mondal, Golak Pandit, Surajit Naskar and Barun Modal on C.B are present in Court today. Accused namely Sakti Sardar, Samir Mondal and Babusona Sardar on C.B are absent in the Court today by filing a petition u/s 317 of Cr.P.C.

Ld. PP and Ld. Advocate for the accused are present in Court today.

No witness is present in Court today.

It is very unfortunate to note that today inspite of an earlier order passed by this Court, the IO and the O/C of Nodakhali PS are not showing interest in complying with the directions of the Ld. Court for production of the witnesses as directed upon on earlier occasion.

Ld. Defence counsel draws the attention of the Ld. Court by submitting that the case is an old one and the lackadaisical attitude of the O/C of the concerned PS is delaying the trial further. O/C of said PS has not acted in compliance with the order of the Ld. Court and such a conduct is not expected from a person holding a responsible position in public service.

On the previous occasion the SP of Diamond Harbour Police District was asked to ensure the compliance of the order of the Ld. Court by the O/C in the true letter and spirit. At the cost of repetition, I would like to once again reiterated that the conduct of the O/C in not producing the witnesses is leading to a considerable delay in the trial for which the constitutional mandate bestowing the right of fair and expeditious trial upon the accused is being jeopardized. In such a situation, by taking serious cognizance of the issue I direct the O/C of Nodakhali PS to produce the witnesses namely CSW-5, CSW-6 CSW-7 and CSW-11 on **16.09.2022** without fail. The O/C is also directed to remain personally present before the Ld. Court on **16.09.2022** at **10.30** a.m sharp without fail.

SP, Diamond Harbour Police District once again asked to ensure the compliance of the order by the O/C of Nodakhali PS in the true letter and spirit of the same and it is made clear that on the next date, the O/C of Nodakhali PS must be appeared before the Ld. Court along with an explanation as to what prevented him from carrying out the order of the Ld. Court.

It is also observed that non appearance of the O/C will be taken seriously by this Court and if necessary matter will be informed to the High Authorities with specific request to take necessary measures against the OC for such non compliance.

Let a copy of this order be sent to the SP Diamond Harbour Police District intimating the SP about the state of affairs and asking the SP concerned to ensure the compliance of the order of the Ld. Court in the true letter and spirit.

Fix **16.09.2022** for examination of CSW-5, CSW-6 and CSW-7 and CSW-11.

Office is directed to communicate to the O/C of Nodakhali PS for effective compliance

Accused on bail shall remain as before.

D/Corrected by me  
S/d PP Chakravorty  
Addl. Sessions Judge,

S/d PP Chakravorty  
A.S.J, 3<sup>rd</sup> Court, Alipore

In the Court of Additional Sessions Judge, 3<sup>rd</sup> Court, Alipore, 24-Parganas (South)

Memo A.S.J, 3<sup>rd</sup> Court, Alipore, Dated 15.09.2022

Copy of this order be forwarded to the :

1. SP Diamond Harbour Police District for effective compliance.
2. O/C, Nodakhali PS for effective compliance.

A.S.J, 3<sup>rd</sup> Court, Alipore