

S.T. 1(03) 2025
C.I.S. Registration no. 45 of 2024
CNR NO. WBSP07-001821- 2024

Order No. 10 dated 27.01.2026

Today is fixed for evidence of C.S.W. - 1 and appearance of the accused persons. Accused persons viz: 1) Anirban Kundu , 2) Kaushik Kundu, 3) Sudeshna Kundu and 4) Suman dutta on CB are present by filing hazira.

Ld. Advocate for the accused persons and Ld. P.P.-in-charge are present before the court today.

Ld. Advocate for the De-facto complainant is present before the court today along with a petition praying for time. Annexed to the said petition are photocopy of some documents filed. The same are filed through the Ld P.P. in-charge.

Ld. Advocate for the accused persons also file a petition praying for rejecting the instant petition filed by the Ld. Advocate for the De-facto complainant on the ground that the Ld. Advocate for the De-facto complainant is not her advocate on record.

Ld. Advocate for the De-facto complainant at this stage files a petition wherein she undertakes to file a fresh vakalatnama within this week.

Ld Lawyer for the defacto complainant prayed for time as her client had moved the Hon'ble High Court at Calcutta praying for transfer of the S.T. Case No. 01(03)2025 before the Hon'ble High Court at Calcutta and the same is running in the list of the Hon'ble High Court. She also candidly submits that there is no order of stay granted by the Hon'ble Court in the instant matter.

Ld Lawyer for the accused persons submitted that as there is no stay, the Court should proceed with the evidence in this case as Right to speedy trial is also the inherent Right of the accused. He further submitted that the evidence of the defacto complainant should be closed considering her conduct.

Ld P.P. in-charge prays for passing necessary order in this regard.

It is a settled principle of law that mere filing an application before any Higher Forum does not ipso facto lead to stay all further proceedings in the court below. In the instant case, as per submission of the Ld. Advocate for the De-facto complainant, there is no order of stay granted by the Hon'ble High Court. Such being the scenario there is no embargo for this court to proceed with the trial. On perusal of the case record, it appears that charge was framed on 05.03.2025 and thereafter, the case proceeded for evidence on diverse dates i.e. 08.05.2025, 09.07.2025,12.08.2025, 16.12.2025 and 27.01.2026 i.e. today but the defacto complainant being CSW-1 did not adduce evidence on these diverse dates as she was absent. Though there is no order of stay granted by the Hon'ble Court in CRR No.5449/2025 filed by the defacto complainant, this Court is of the considered opinion that an opportunity be given to the defacto complainant Swarnali Saha to bring an order of stay from the Hon'ble Court, i/d this Court would have no other alternative than to proceed with the evidence.

Fix 05.03.2026 for bringing stay order from the Hon'ble Court, i/d evidence.

Accused as before.

D/C by me,

ASJ-2, Sealdah

(Subhajit Basu)
Addl. Sessions Judge,
2nd Court, Sealdah
J.O.Code WB00896

Later order No.11 dt. 27.01.2026

It is now 02.40PM. Fresh Vakalatnama filed by the De-facto complainant be kept with the case record.

To date (05-03-2026).

D/C by me,

ASJ-2, Sealdah

(Subhajit Basu)
Addl. Sessions Judge,
2nd Court, Sealdah
J.O.Code WB00896

