

ST 04 (02) 2017
Raidighi PS case no. 08/2009

Order no. 40 dated 26.09.2023

Today is fixed for evidence.

Both the accused persons on c/b are absent by filing petition u/s 317 Cr.P.C.

Ld. PP in charge is present. Heard. Petition u/s 317 Cr.P.C is allowed.

Investigating officer of this case is absent.

CSW Tapasi Halder is reported not found by PS Raidighi on 25.09.23. It is reported that CSW Sahadev halder is dead.

SR is received against CSW Mahanando Halder and Sudhangsu Halder after proper service but they have not turned up.

Hence, issue B/W/A of Rs. 1000/- against them.

It is clearly observed by the Hon'ble Supreme Court in judgment dated 28.11.2001 in Shailendra Kumar Vs State of Bihar and others that **“it is duty of Sessions Judge to issue summon to the investigating officer if he failed to remain present at the time of trial of the case. The presence of investigating officer at the time of trial is must. It is his duty to keep the witnesses present. If there is failure on part of any witness to remain present, it is the duty of the court to take appropriate action**”

In compliance with such direction of the Hon'ble Supreme Court Superintendent of Police, Sundarban Police District is directed to ensure appearance of I.O. of this case Ananta Kr. Ghosh and in default, appearance of present OC of PS Raidighi with direction to bring defacto complainant to depose before this Court on 21.2.2024.

Issue summon to CSW.

Let a copy of this order sheet be sent to SP Sundarban Police District and OC of PS Raidighi so that said direction of the Hon'ble Supreme Court is strictly complied with.

To 21.2.2024 for appearance of I.O. and evidence.

Sd/-

Memo

date

Copy forwarded to SP Sundarban PD
for necessary action