

ST 04 (2) 17

Raidighi PS 08/2009

Order no. 41 dt 21.02.24

Today is fixed for evidence.

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

Ld. PP in charge is present. Heard. Prayer for petition u/s 317 of Cr.P.C is allowed.

No witness is present. No witness hazira is filed.

IO of this case Ananta Kr. Ghosh is present and he files one petition informing that he has retired from service and it will cause to hardship to ensure appearance of CS witnesses before this court.

This is Raidighi PS case no. 08/2009 under Section 376/109 of IPC. In this case till date only one witness could be examined.

Considering this fact and in view of direction of 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 .....**

OC of PS Raidighi is directed to be present before this court on each and every date along with witnesses. He may appoint holding IO of this case to represent him before the court.

Inform Raidighi PS.

Issue summon to CSW 1, 2, 3, 4, 5.

To 22.05.24 for evidence /appearance of OC of PS Raidighi.

Sd/-

Memo no.                      dt  
Copy forwarded to OC of PS Raidighi  
for necessary action