

ST 06 (06) 23

Usthi PS case no. 42/23

Order no. 2 dt 17.07.23

Today is fixed for evidence.

Sole accused Dipak Ray is produce from J.C.

Ld. PP in charge and Ld. Defence counsel are present.

SR is received against CSW 1 Ramchandra Paswan from Usthi PS without any service report from PS Shibpur, Howrah.

No witness is present in this case today.

IO of this case Baidyanath Das is absent today.

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, Diamond Harbour Police District is directed to ensure personal appearance of I.O. of this case SI Baidyanath Das of PS Usthi on 10.08.23 at 10.30 A.M.

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

Issue summon to CSW 1 and 2. IO of this case is directed to ensure appearance of witnesses on next date positively.

To 10.08. 23 for appearance of I.O. and evidence.

Sd/-

Memo no.

dt

Copy forwarded to OC of PS Usthi
for necessary action