

In the Court of Addl. Sessions Judge, Fast Track, 1st Court,
Diamond Harbour, South 24-Parganas.

S.T. No.01(02)24

S.C. No.201/2023

G.R. No.745/2023

Usthi P.S. Case No.110/2023.

(CIS No.201/23)

U/s.307/326/387/448/201/34 I.P.C.

Order No. 02 dated 05.03.2024.

Today is fixed for production of the accused and evidence of C.S.W. No.17.

Accused (U.T.P.) namely Rejaul Laskar @ Choto Matal is produced from J.C.

Ld. Spl. P.P. is present with one witness namely Dr. Pranab Kumar Mondal.

No defence counsel appears on behalf of the accused. The on-record Ld. Advocates namely Mr. Subrata Mondal and Sandip Halder were given call for appearance before the court. In response to such call, Ld. Advocate Mr. Sandip Halder appeared before the court and submitted that he has not received any instruction from the accused to proceed with the trial of this case and as such he is not in a position to defend the accused. On further query Ld. Advocate Mr. Sandip Halder made it clear that he will not be appearing for the accused in this case any more.

So far as another advocate on record viz. Mr. Subrata Mondal is concerned, he did not turn up and ignored the call of the court which otherwise goes to show that he is also not willing to appear for the accused in this case.

On being asked the accused (U.T.P.) namely Rejaul Laskar @ Choto Matal submitted that due to some financial crisis he could not arrange for an advocate but if a three month's time is given to him he will be in a position to engage an advocate to defend his case. On being further asked the accused submitted that today his wife has attended the court. On a call the wife of the accused appeared before the court and disclosed her name to be Nargis Bibi. In reply to a question put by the court, said Nargis Bibi, wife of the accused also submitted that if a three month's time is given to them they will be in a position to arrange for one advocate to defend the accused.

Ld. Spl. P.P., in turn, submitted that there is a direction of the Hon'ble High Court for expeditious disposal of this matter and as such giving of three month's time to the accused shall not be proper in as much as the accused may again file a bail application before the Hon'ble High Court on the plea of sloth progress of the trial of the case.

Considering the submission made by the Ld. Spl. P.P. as well as the accused himself and having perused the materials available on record, I am of the humble view that there is no justifiable ground to give a three month's time to the accused to arrange for an advocate of his choice. Although, it is the prerogative of the accused to select an advocate of his choice to defend his case, for that he should not be facilitated with a time of three months for arranging such an advocate.

The record reveals that the accused himself moved before the Hon'ble High Court for the purpose of his bail, but the Hon'ble Court refused the bail petition of the accused and directed this court to expedite the trial.

Although, I am not the Regular P.O. of this court and in additional charge of this court due to this court being lying vacant on account of the transfer of the erstwhile P.O., I have taken up initiative to continue the process of trial of this case so that the direction of the Hon'ble Court could be complied with.

Nevertheless, in the absence of the defence counsel, I am not in a position to record the evidence of the witness who has been produced by the prosecution on this day. Thus, the witness present before the court today is discharged without examination.

I am further of the view that giving a three month's time to the accused, as prayed for, in the matter of engagement for a defence counsel of his choice may defeat the purpose of the order passed by the Hon'ble High Court. Thus, under no circumstances is this court inclined to give a long adjournment of three months. The accused may be suffering from some sort of financial crisis for the present for which he is unable to engage an advocate as early as possible, but the court's duty and liability in this behalf is not vanished.

Thus, considering every aspect I am of the humble view that the accused should be facilitated with free legal aid by way of appointment of an advocate from the panel of the S.D.L.S.C., Diamond Harbour so that the interest of the accused can be duly taken care of.

I, therefore, request the Chairman of the S.D.L.S.C., Diamond Harbour to appoint one advocate from the existing panel so as to give free legal aid to the accused (U.T.P.) namely Rejaul Laskar @ Choto Matal in the matter of defending the prosecution case.

The accused, however, shall be at liberty to engage any advocate of his choice in the mean time, in which case any appointment by the S.D.L.S.C., Diamond Harbour shall be cancelled.

Let a copy of this order be sent to the Chairman, S.D.L.S.C., Diamond Harbour for his information and taking necessary action. The Chairman of S.D.L.S.C., Diamond Harbour is further requested to consider the matter as extremely urgent and give the proposed appointment on or before 15.03.2024.

To 15.03.2024 for appearance of the defence counsel as would be appointed by the S.D.L.S.C., Diamond Harbour and production of the accused.

Addl. Sessions Judge I/C,
Fast Track, 1st Court,
Diamond Harbour.

No.

Dated :

Copy forwarded to the Chairman, S.D.L.S.C., Diamond Harbour
– for information and taking necessary action.

Addl. Sessions Judge I/C,
Fast Track, 1st Court,
Diamond Harbour.

