

CIS No.74/2018
ST- 223(09)2018
CNR NO.WBSP 15-000663-2018
J.O.Code- WB00859

Order No. 82

Dated: 29.02.2024

Today has been fixed for production of all the three accused persons of this case who are in J/C and further cross examination of PW18.

All the three accused persons of this case has been produced from J/C.

The Ld. Defence counsel is found present.

The Ld. P.P. in-charge of this case namely, Sri Amitava Roy is found absent.

PW 18 has not turned up today.

The Ld. Defence counsel submitted that as new Ld. P.P. has not been appointed in this case in place of earlier Ld. P.P. in-charge, the trial of this case has halted although all the accused persons are languishing behind the Bar. He prayed for interference of this Court so that the trial of this case can be resumed.

From the record it appears that Sri Amitava Roy was appointed as the Ld. P.P. in-charge in this case. It is a fact that in view of order dated 28.11.2023 passed in CRM (DB) no 3541/ 2023 by the Hon'ble High Court at Calcutta said Amitava Roy has been removed from the panel of public prosecutor. Since after passing of the said order Sri Amitava Roy has not been appearing in any of the cases in which he was appointed as Ld. P.P. in-charge.

This Court has already sent a letter to the L.R., Government of West Bengal through the Ld. District Judge, Alipore, South 24 Parganas intimating him about the said fact and also requested him to ensure appointment of new Ld. P.P. in-charge in cases where Sri Amitava Roy has been appointed as the Ld. P.P. in-charge. In the said letter the details of all the cases in which the accused persons are in custody were specially mentioned. However, this Court has not received any reply of the said letter from the office of the L.R., Government of West Bengal as yet.

It is a fact that Hon'ble High Court at Calcutta by its order dated 01.09.2021 and 14.09.2022 passed in C.R.M. no. 1233 of 2020 CRM (DB) no 1662 of 2022 has directed this Court to conclude trial of this Court expeditiously within 1 year without granting any unnecessary adjournments to either of the parties. However, due to non appearance of the Ld. P.P. in-charge this case could not be proceeded with since December 2023.

In such circumstances, this Court is of the opinion that the matter should be brought to the notice of Ld. District Judge, Alipore ,South 24 Parganas so that he may take up the matter with the Ld. District P.P., South 24 Parganas and L.R., Government of West Bengal.

Fix 10.04.2024 for production of the accused persons and appointment of new Ld. P.P. in charge of this case.

D/C by me,

A.S.J. 2nd Court, Kakdwip
South 24 Parganas

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