



Sessions Case No. 31/2014
(CIS Sessions Case No. 723/2014)
Raiganj PS Case No 1180/2013
The State of West Bengal Vs. Kamal Debnath

Order No. 68/22.03.2024

Today is fixed for evidence of C.S.W.7 id prosecution evidence will be closed.

Ld. PP-in-Charge is present with no witness but submits a copy of message issued by OC, Legal Cell, Raiganj PD.

Ld. Advocate for the accused person is also present.

The accused person on court bail is also present.

Ld. PP-in-charge submitted that the summon on the C.S.W.-7 Dr. Dip Sarkar was issued but no return received but the evidence of said doctor is essential for the purpose of proper adjudication of the case. So he prays for another adjournment for recording deposition of the said doctor.

Ld. Advocate for the accused raised objection and submitted that the accused is suffering since long and that the evidence of I.O. had concluded in the year 2015. The prosecution has started calling the C.S.W.7 since 2017 and about 33 nos of opportunities availed but failed to secure the presence of the said witness. So, he prays for closure of the evidence of prosecution.

Heard. Perused and considered.

On careful perusal of the record it appears that submission of the Ld. Advocate for the accused is true as per the record.

There is nothing for confirming that the concerned doctor has received summon officially.

Further that the case is involving offence of rape and that the instant doctor has examined the victim medically. Thereby it is very essential witness.

It is further appears from the copy of the message that the O/C Legal Cell, Raiganj PD has tried to wipe out his responsibility by sending the message only. There is nothing to show his act towards monitoring it.

Furthermore, the I/C, Raiganj P.S. is reluctant to serve the summon to the concerned doctor and take pain to submit service return to the Court to take further action.

Ld. PP-in-charge and Ld. Advocate submitted that the concerned doctor is residing in the Raiganj Town.

Under the situation, the court is compelled to by the police administration of the Raiganj PD to construe that the police administration of Raiganj PD has no interest in the case towards its appropriate adjudication but alternatively has interest to extend assistance the accused to get favourable order/judgment and also to cause loss of judicial hour, public money involved in holding the trial.

The court is further surprised and compelled to opine that the the Superintendent of Police, Raiganj PD also does not have any sort of effective monitoring system and thereby any interest towards ensuring fair trail of cases.

It is pertinent to be mentioned here that the case was started in the year 2013, trial started in the year 2014 but not concluded even after expiry of more than 9 years.

Considering the material available in the record the court is of the opinion that the case should be adjourned as a last and final time for ensuring the presence of concerned doctor as witness of the prosecution.

Fix 26.04.2024 for evidence of C.S.W.7 Dr. Dip Sarkar id the evidence of prosecution will be closed.

Accused as before.

Prosecution to take note of the fact and do needful.

Let copies of the order be sent to the Superintendent of Police, Raiganj PD, I/C Raiganj P.S. and O/C Legal Cell, Raiganj PD for information and necessary action.

Dictated and corrected

ASJ FTC-II, Raiganj
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