

**Sessions Case No.85 of 2021**  
**CNR No. WBUD01-003624-2021**  
**J.O Code No. WB00891**

**Order No. 16**  
**Dated 12/08/2022**

Today is fixed for production and consideration of charge.

Sole accused *Krishna Kamal Adhikary @ Rana Adhikary* is physically produced from J/C.

Ld.Public Prosecutor is present and has filed hazira.

CD has been produced.

The prosecution files written objection against the petition under section 227 of Cr.P.C that was filed on behalf of the accused earlier on 13.06.2022.

The matter is taken up for hearing in presence of the respective sides.

By filing a petition Ld. Advocate appearing for the accused submits that the Revisional Application being No. CRR 1944 of 2022 preferred against the order No.10 dated 19.05.2022 passed by this Court had been taken up for hearing before the Hon'ble Court on 11.08.2022 with a direction that the said matter shall come up again on 16.08.2022 for further consideration. In such circumstances, pending disposal of the Revisional Application, Ld. Advocate for the accused makes a prayer for fixing up another date for consideration of charge. In support, Ld. Advocate for the accused files the Advocate's letter of the Hon'ble Court, print out copy of the CIS of the Hon'ble High Court, (Appellate Side) and also the Daily Cause List of Hon'ble Court dated 11.08.2022.

The petition has been duly endorsed by the Ld.Public Prosecutor.

Raising vehement objection to such prayer, Ld.Public Prosecutor submits that sufficient opportunity was given to the accused to bring favourable order from the Hon'ble Court but till date no stay order has been received. He further submits that mere filing of Revisional Application before the Hon'ble Court do not operate as a stay to the further proceedings in this Court when there is no specific order of stay. Contending that the defence is reluctant to begin the trial of this case where allegation against the accused is grievous in nature, he prays for rejection of such prayer for adjournment and taking up the matter for hearing of the petition under section 227 of Cr.P.C.

Seen the materials on record including the previous orders passed by this Court and the observations made therein. Also seen the documents relied upon and filed on behalf of the accused.

Admittedly, there is no order of stay from the Hon'ble Court. Therefore, I find substance in the submissions advanced by the Ld. Public Prosecutor to hold that sufficient opportunities had already been given to the accused to bring appropriate order(s) from the Hon'ble Court. In the absence of the same till this day, there is no other alternative but to proceed with the hearing of this case, as successive adjournments on this ground cannot be granted.

Accordingly, the petition filed on behalf of the accused u/s 227 of Cr.PC dated 13.06.2022 is taken up hearing.

Heard Ld. Advocate for the accused as well as the Ld. Public Prosecutor.

Fixing **01.09.2022** for production of the accused, further hearing of the petition u/s 227 of Cr.PC and passing orders.

Accused is remanded to J/C till that date.

CD is returned to be produced again on the date fixed.

D/C by me.

ADJ, FTC-II  
Raiganj, Uttar Dinajpur

Addl. Sessions Judge  
FTC-II, Raiganj.