

12/03.07.2024

Today is fix for production and evidence of CSW 4 and 5.

Sole accused is produced from J/C.

Ld. LADC is representing the accused in custody.

Ld. LADC is present.

Ld. PP-in-charge is present with one witness namely Sundar Hembram (CSW 5).

Ld. PP-in-charge files a petition seeking adjournment on the ground that the instant witness had witnessed the seizure but the seized alamats are not produced in the Court as those are still in the office of the RFSL.

Copy served with strong objection.

Ld. LADC is representing the accused submits that since after November, 2023 the prosecution failed to adduce any other witness as all of this day for want of alamat.

A communication dated 02.06.2024 has been submitted by the SI Sukumal Roy of Itahar PS disclosing that the alamats in respect of PR No.56/2023, 57/2023, 75/2023 and 105/2023 are being produced before this Court today in connection of this case but no such alamats have produced in the Court today.

In this regard, a report is submitted by the Court Inspector which reflects that the alamats are still lying in the RFSL, Jalpaiguri and the SI, Sukumal Roy of Itahar P.S intended to intimate this fact but wrote some wrong english which change the entire meaning of his intimation.

At this stage, Ld. LADC representing the accused files a petition for bail of the accused on the ground that the prosecution had failed to bring any witness since almost last one year and the accused is detained in custody without any trial. He further submits that the prosecution is reluctant to produce the alamats and delaying in the trial of the case and thereby the personal liberty of the accused is continuously being curtailed. He further submitted that the accused is not influential person who can influence the witnesses of the case. So, he prays for bail of the accused on any suitable ground.

Copy of the bail petition is served with endorsement of 'strong objection'.

Ld. PP-in-charge submits that there is no latches on the part of the prosecution as the witnesses of the prosecution are regularly present but due to want of alamats those could not be examined. So, he prays for rejection of the bail application.

Heard. Perused. Considered.

The allegation for which the trial is conducted of the highest degree offence i.e. murder a human being. It is true that since after November 2023 no witness was examine although the witnesses were called and they remain present almost every date fixed.

Still, the prosecution has to realize that due to administrative actions of collection and production of alamats should not be done in such a fashion that may cause curtailment of the personal liberty of the accused.

Considering the nature and gravity of the case, the prayer for bail rejected at this stage.

The custodial trial of the accused is continuing and thereby the prosecution as well as I.C, Itahar P.S must pay requisite attention so that fair trial can be ensured and the personal liberty of the accused cannot be curtailed without any reason.

The communication dated 02.06.2024 of the SI Sukamal Roy was forwarded by the I.C, Itahar P.S but it does not reflect any sign/intention that he had paid requisites attention to the seriousness of the case as well custody trial of the accused.

Under the peculiar circumstances, the Court has no other option today.

The witness namely, Sundar Hembram (CSW 5) is not examined and released.

Fix 17.08.2024 for production and evidence of CSW 4 and 5 and production of alamats.

Let a copy of this order be sent to the I.C, Itahar P.S for his information and due compliance by producing the alamats on the next date positively.

Let another copy of order be sent to the S.P, Raiganj Police District for his information regarding the seriousness of the case, custody trail of the accused and ensuring due participation of I.C, Itahar P.S and the I.O of this case for smooth and fair trial.

Accused as before.

Prosecution to take step necessary witness.

Dictated and corrected

ASJ FTC-II, Raiganj
Uttar Dinajpur

(Manik Lal Jana) (WB01023)
ASJ, FTC-II, Raiganj,
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