

Sessions Case No.203 of 2023
CNR No. WBUD01-002727-2023
JO Code No. WB00700

Order no.31

Dated: 14.11.2025 **(Ref: Hemtabad PS case No.68/2023 dated 07.04.2023)**

The case is scheduled for evidence till 21.11.2025.

Accused Sadhan Baishya is produced from J/C through V. C. mode.

No witness has turned up this day.

A prayer has been filed by the Ld. PP-In-Charge seeking cancellation of the existing schedule on the ground that forensic report and seized alat are not yet received.

On the other hand an application for bail is filed for accused Sadhan Baishya.

Though a schedule has been prepared, it appears that the examination-in-chief of PW-11, PSI Tapas Kr. Biswas, was conducted on 09.01.2025, but his examination has not yet been completed. Summons have been issued to him on several dates, but the witness has failed to appear.

This is a case u/s 302 of IPC. The nature of offence is indeed grave.

Both the prosecution and the defence seek justice. However, the Court should give due attention to the entire circumstances; otherwise, justice may be defeated.

Accordingly, application for adjournment as well as deferring the schedule is hereby considered and prayer for adjournment is allowed.

Now, I heard the application for bail.

Ld. Advocate for the accused prays for bail that accused is in custody since its inception and charge has also been framed on 17.10.2023 and Examination in chief of PW-11 is not yet completed and the witnesses is not attending the Court day to day.

On the other hand, Ld.PP-in-charge Mr. Ziaur Rahaman raises strong objection against the prayer for bail on the ground that Hon'ble High Court has been pleased to reject the bail of the accused on 06.11.2024 vide CRM No. 3233 of 2024.

Considering the entire facts and circumstances of the case, but having regard to the gravity of the offence and the involvement of the accused/petitioner, I am inclined to decline bail to the aforesaid accused. Hence, prayer for bail of the aforesaid accused stands **rejected**.

However, the prosecution is hereby directed to produce the witness as well as the relevant documents on the next date without fail, otherwise, the Court will be compelled to proceed in accordance with the law, which may go against the prosecution.

SP, Raiganj Police District is hereby requested to look into the matter so that both the prosecution and the defence may receive justice in due course; otherwise, the purpose of justice will be frustrated for both parties.

Fix **18.12.2025** for the further examination of PW-11.

Let a copy of this order be communicated to the SP, Raiganj Police District for information.

Let a copy of this order be sent to the Public Prosecutor-in-charge for information.

Typed and corrected by me.

Sessions Judge,
Uttar Dinajpur

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