

47/20.07.24

Today is fixed for evidence of CSW 10 & 13.

Accd Paromita Karmakar is produced from JC. She is taken into custody and remanded to JC.

Ld Counsel for LADCS is representing accd Paromita Karmakar.

Accd Bachchu Pal on bail is absent by filing petn u/s. 317 CrPC.

No PW is present.

At this stage the Ld advocate of LADCS, for accused Paromita Karmakar, files a petition for bail.

The bail petition is seen by Ld P.P in charge by putting his endorsement on the same.

Ld advocate for accused Paromita Karmakar submits that the accused has no hands in the alleged offence and she has been falsely implicated in this case. It is further submitted that accused is in custody since her arrest in this case and her children are now living without guardian as the husband of Paromita is also absconded. Ld Counsel added that most of the witnesses have been examined but nothing incriminating has come against his client. Moreover, in spite of sufficient opportunities, the prosecution has failed to produce the witnesses sl.no. 3 & 4 as per their petition u/s. 311 CrPC. By referring the decision of the Hon'ble Apex Court where it has been opined that 'If right to speedy trial is violated, constitutional courts can grant bail despite statutory restrictions', Ld Defence Counsel prays for bail for his client on any terms and condition.

Ld P.P in charge raises strong objection and submitted that the bail petition of the accused was rejected by the Hon'ble High court, Calcutta in earlier occasion and the prosecution has taken all necessary endeavour to produce the witnesses on the date of evidence. Ld P.P further argued that one of the charge-sheet accd is still out of the record as absconded and submitted that if at this stage, this accd is granted bail, the prosecution will be highly prejudiced. Therefore, Ld P.P in charge prays for rejection of bail.

Heard both sides. Perused the case record as well as the instant application for bail.

In this case the charge has been framed u/s. 364A/302/201/34 IPC against the accused persons. It further reveals from case record that most of the witnesses have been examined in this case and trial is about to be completed though some of the witnesses are to be examined as incorporated vide application u/s. 311 CrPC. I further find that the allegation is serious against the accused and it was the view of the Hon'ble Court also that the release of this accused on bail may derail the prosecution.

Moreover, one of the principal accused who happened to be the husband of this accused is still absconded.

Fact that the evidence of Nodal officer of AIRTEL & JIO (added u/s.311 CrPC) is pending since 02.02.24 and two times, the said witnesses did not appear to depose on the ground of 'short notice', I found no laches on the part of the prosecution in that matter because the reply from the witnesses confirmed that steps were taken by the prosecution in due course to produce those witnesses. Therefore, in view of the above mentioned scenario, I am not inclined to allow the prayer for bail of accd Paromita Karmakar. Hence, bail prayer is considered and rejected.

Accd persons will remain as before.

Fix 21.08.24 for evidence of Nodal Officers of Airtel and JIO, (u/s. 311 CrPC).

Fix 22.08.24 for evidence of CSW nos. 10 & 13.

Issue summons accordingly. The prosecution is to take proper step.

D/C by me.

Judge,

ADJ,FTC-I.

CNR WBUD01-002763-2021, J.O.CODE WB01014

Sess. Case no.70/2021

46/19.07.24

Today is fixed for evidence of Nodal Officers of Airtel and JIO, (sl. no. 3 & 4 u/s. 311 CrPC).

Accd Paromita Karmakar is produced from JC. She is taken into custody and remanded to JC.

Ld Counsel for LADCS is representing accd Paromita Karmakar.

Accd Bachchu Pal on bail is present by filing hajira.

No PW is present. The Ld. Prosecution filed a copy of letter dt. 18.7.24 of the Nodal Officer (Kolkata and ROB circle) for Bharti Airtel Ltd. wherein the witness prayed for a fresh date for evidence on the ground that yesterday , ie, 18.7.24 they had received the summons issued by this court for appearance and to adduce evidence on 19.7.24 but it is not possible for him to attend the court in such a short notice.

The record shows that on previous occasion the summons was received by this witness on 30.5.24 with a direction to appear on 4.6.24 before this court to depose and then also the same prayer was made by showing the identical reason.

In this case, one of the accd (woman) is in custody and most of the CSWs were examined but the trial is pending for a considerable period for the witnesses , added by petn u/s.311 CrPC.

It is quite surprising that on both occasions the Nodal Officer (Kolkata and ROB circle) for Bharti Airtel Ltd had received the summons just before the date of evidence. So considering all aspects and in view of the fact that this witness had communicated with the Ld.Prosecution through e-mail, the Ld PP is hereby directed to inform the next date of evidence through e-mail to the witness, so that he can make necessary arrangement well within time for appearance before the court on the date fixed.

Fix 20.07.24 for evidence of CSW nos. 10 & 13.

Issue summons accordingly. The prosecution is to take proper step.

D/C by me.

Judge,

ADJ,FTC-I.

