

Raiganj PS case no. 277/14 dt.30.08.14

CNR WBUD01-001331-2018, JO CODE WB01014

Sess. Case no.44/18

01/20.12.2023

Two accd persons namely Nakul Pahan and Joyna Pahan are present by filing hajira.

Ld lawyer for the accd persons and Ld P.P in charge are present.

Case record is taken up for framing of charge. Heard both sides.

Perused the case record and C.D.

On scrutiny of the record, it appears to me that vide order dt. 22.10.14 in GR -1749/14. Ld CJM, Raiganj, Uttar Dinajpur had opined that Anukul Pahan was minor on the date of commission of the alleged offence and accordingly, by treating him a Juvenile in conflict with law, IO of this case was directed to produce the JCL before the JJB. Direction was also given to split up the record and send the same to JJB, Uttar Dinajpur.

It further reveals from the record that on 5.5.16 charge sheet was submitted in this case against JCL and Joynal Pahan after completion of investigation U/s.3638/365/370/34 IPC but subsequently the record was transferred to Ld JM, 1st court, Raiganj for trial.

Vide order dt. 10.01.16, Ld JM, 1st court, Raiganj returned the case record to the Ld CJM, Raiganj as sec-370 IPC is exclusively triable by the court of sessions with a direction upon both the charge sheeted accd (though one was JCL) to appear before the court of Ld CJM, Raiganj.

Thereafter, the JCL as well as other accd continued their appearance before the court of Ld CJM, Raiganj and later on, before the court of Ld Sessions Judge, Uttar Dinajpur but surprisingly, till date neither the prosecution nor the Ld Advocate for the accd made any submission before the court on the point that one of the accd is JCL.

Now, in view of the above scenario, I am not in a position to deal with the JCL in c/w this case further and let a copy of this order along with copy of the charge sheet / final report be sent to the JJB, Uttar Dinajpur for information and further proceeding in respect of the JCL.

The Ld Advocate of the JCL is also directed to produce the JCL before the JJB, Uttar Dinajpur on 28.12.23.

Office to comply at once.

As the prima facie case under sections -363/365/370/34 of IPC is made out against the accused persons namely Joyna Pahan, the charge under sections – 363/365/370/34 of IPC is framed against the said accd person.

The substance of accusation of the offence punishable u/s. 363/365/370/34 of IPC is read over and explained to the accd person in Bengali who pleaded not guilty by saying “Ami Nirdosh” and claimed to be tried.

Fix 25.04.2024 for evidence of C.S.W. No. 1.

Issue summons accordingly.

The prosecution is to take proper steps.

Accused persons on bail will remain as before.

Dictated by me.

Judge

Addl. Dist. & Sess. Judge,
FTC-I, Raiganj, Uttar Dinajpur.

Later

20.12.23

The original WA in the name of Joyna Pahan and JCL are received from the concerned PS. Let the same be kept with the record.

Addl. Dist. & Sess. Judge,
FTC-I, Raiganj, Uttar Dinajpur.

Memo. no.

Copy forwarded for information and taking necessary action, to :-

1. Ld. Principal Magistrate, JJB, Uttar Dinajpur.
2. IO namely Pradip Chanda of this case.

Addl. Dist. & Sess. Judge,
FTC-I, Raiganj, Uttar Dinajpur.