

Sessions 41/2018

Order No.18
22.08.2019

The sole accused [Jaganath Sarkar @ Tukru](#) is produced from JC.

Ld. PP-in-charge Sri Swarup Biswas and Ld. Defence lawyer Sri Suprabhat Roy are present.

Today is fixed for evidence of CSW-2 Mantu Kumar Das and CSW-3 Nitya Gopal Barman. The prosecution has filed hazira of those two witnesses and they are present in Court today.

The prosecution subsequently files a petition on the grounds that the seized alamats are not produced before this Court from the concerned P.S/ Court Malkhana. Without those alamats the prosecution cannot proceed further as the trial will suffer.

In the above situation the witnesses, CSW-2 Mantu Kumar Das and CSW-3 Nitya Gopal Barman are not examined and discharged.

A bail petition is filed on behalf of the accused [Jaganath Sarkar @ Tukru](#).

It is submitted that no bail petition of this accused is pending or was rejected before or by Higher Forum.

Heard Ld. PP-in-charge and Ld. Defence lawyer.

It is submitted that the accused is innocent, he is in custody since long. There is no chance of his absconding and in the above situation, it is prayed that he may be enlarged on bail on any condition.

Ld. PP-in-charge opposes the prayer for bail on the ground that the offence alleged is heinous in nature and the CD gives out sufficient materials against this accused.

I have carefully considered the submissions of the parties and I have also examined the CD very minutely. The CS has been submitted in this case against this accused [u/s 302 IPC](#). Today for non-production of alamats two witnesses could not be examined. The evidence of PW-1 does not favour the accused to be enlarged on bail at this stage. The prayer for bail is therefore, rejected.

Return CD.

Fixing **24.09.19** for production and evidence of CSW-2 Mantu Kumar Das and CSW-3 Nitya Gopal Barman.

The prosecution do take steps accordingly.

The prosecution is directed to bring those alamats positively on the date fixed.

Dictated & corrected
by me

Raiganj, Uttar Dinajpur
Addl. District & Sessions Judge,
2nd Court, Raiganj, Uttar Dinajpur

Raiganj, Uttar Dinajpur
Addl. District & Sessions Judge,
2nd Court, Raiganj, Uttar Dinajpur

