

Sessions 178 of 2009

Order No. 81

Dated: 12.10.2018

Today is fixed for appearance of accused persons as well as awaiting order of Hon'ble High Court, Calcutta.

Ld. PP is present by filing hazira.

Accused persons take no steps. None also appears or moves on behalf of the accused persons.

Heard the Ld. PP for the State.

Perused the materials on record.

On careful perusal, it appears that during the stage of trial the accused persons preferred Criminal Revision before the Hon'ble High Court, Calcutta vide C.R.R. No. 673 of 2011 under Section 401 read with Section 482 of Cr.P.C seeking quashing of the proceedings of the instant case arising out of G.R. Case No. 570 of 2007 in connection with Karandighi P.S. Case No. 152 of 2007 u/s 379/411/413/414 of IPC.

It appears from the certificate copy of order filed by the accused persons that on 16.06.2011 the Hon'ble High Court, Calcutta was pleased to stay the proceedings of the instant case for a period of eight (08) weeks.

Subsequently, the accused persons also filed certificate of order passed by the Hon'ble High Court, Calcutta in connection with C.R.A.N 1709 of 2011. It appears that the Hon'ble High Court, Calcutta was pleased to dispose of the C.R.A.N. 1709 of 2011 on 15.09.2011 by extending the interim order of stay till 4th week out of puja vacation.

On 25.04.2012 accused persons files certificate copy of order passed by the Hon'ble High Court on 13.12.2011. It appears from the certificate copy that Hon'ble High Court Calcutta was pleased to extend the interim order of stay till disposal of the Criminal Revisional Application. In view of the order of the Hon'ble High Court, Calcutta this Court was pleased to stay the proceeding of the instant case till further order and since then instant case is pending for awaiting further order from the Hon'ble High Court, Calcutta.

It appears from the order-sheet that on several occasions, accused persons were directed to file certificate copy of the final order of the Criminal Revisional Application but the accused persons neither filed copy of the final order of the Hon'ble High Court, Calcutta nor they have been taking steps. On 17.07.2018 the accused persons neither took steps nor file any copy of the final order passed in C.R.R No. . 673 of 2011. So the sureties were directed to produce the accused persons but the sureties failed to produce the accused persons before the Court in compliance to the order of this Court.

Hence, issue W/A against the accused persons 1. Kazi Ezahar and 2. Kazi Jahir both sons of Noor Mohammad of village Bankati, P.S.-Dubrajpur, District-Birbhum and 3. Sk. Golam Murtuja son of Sk. Darajuddin, residing at Alimuddin lane, P.O+P.S.Asansol, Paschim Burdwan presently residing at village Bankati, P.S.-Dubrajpur, District-Birbhum.

To 04.12.2018 for ER of W/A.

D/C by me

Addl. Sessions Judge,
F.T.C. 1st Court, Islampur,
Uttar Dinajpur