

Sessions-14 of 2024
CNR No.WBUD05-000207-2024

Present : Sri Amar Kishore Mahato (J.O.Code-WB 00922)
Additional Sessions Judge,
2nd Court, Islampur, U/Dinajpur.

Order No.05; dated 22.02.2024

Sole accused person namely, Md. Kalimuddin is produced by the Superintendent, Islampur Sub-correctional Home. The accused is taken into custody.

A bail petition is filed on behalf of the accused person and copy of the petition has been served upon the Ld. Addl. P.P. Ld. Addl. P.P is present.

The bail petition filed on behalf of the accused persons is taken up for hearing.

Heard both sides.

Ld. Addl. P.P raises objection and submits that he is ready for framing of charge against the accused person and this is a fit case where the accused person is required to be kept in custody during trial.

On the contrary Ld. Advocate for the accused person has submitted that charge sheet has been submitted in connection with this case and there is nothing appeared from the charge sheet that the accused person is desperate in nature to cause destruction of evidence during trial. It is further submitted that the accused person is the only male member of his family having his home and hearth at village Haldibari within P.S Karandighi and within the jurisdiction of this court and hence there is no chance of absconding of the accused person.

Ld. Advocate for the accused person also tried to draw my attention to the discrepancies in the statements of different witnesses. It is submitted that the accused persons will attend the court on each and every day of the trial and in such circumstances the accused persons may be released on bail.

Perused the case record. On perusal of the case record I find that the alleged incident took place on 10.10.2023 and the accused person was arrested on 11.10.2023 just after the incident. The deceased is a brother of the accused and the informant brother of the accused. The other witnesses are the relatives and hence there is every chance of influencing the evidence in case the accused person is released on bail. Hence, the prayer for bail of accused is rejected.

The record is taken up for framing charge against the accused person.

Ld Addl.PP in-charge opens this case by describing the charge brought against the accused person stating by what evidence he proposes to prove his guilt.

Heard both sides. Perused the materials on case record as well as the case diary. After hearing both sides and on consideration of the materials, I am of the opinion that there is a ground for presuming that the accused person has committed offence punishable u/s.302 of the I.P.C., read with section 25(1)(a)/27 of the Arms Act which is triable by the Court of Sessions.

Accordingly the charge u/s. 302 of the I.P.C., read with section 25(1)(a)/27 of the Arms Act is framed against the aforesaid accused person in separate sheet.

The contents of the charge u/s. 302 of the I.P.C., read with section 25(1)(a)/27 of the Arms Act is read over in Bengali to the accused person to which he pleaded not guilty by saying 'ami nirdosh' and claimed to be tried.

Fix 01.04.2024 for evidence of CSW-1

Fix 02.04.2024 for evidence of CSW- 2

Fix 03.04.2024 for evidence of CSW- 3 and 4.

Prosecution to take steps.

Accused Md. Kalimuddin be remanded to J.C and be produced on the date fixed.

Dictated & Corrected by

Addl. Sessions Judge.

Addl. Sessions Judge,
2nd Court, Islampur, Uttar Dinajpur.