

HIGH COURT OF TRIPURA
AGARTALA

Crl. A. 48/2025

The State of Tripura

represented by the Secretary, Home Department, Government of Tripura.

----Appellant (s)

Versus

1. **Alamgir Hossain**, son of Abdul Munaf of Telkajla, Miyapara, P.S. Melaghar, District- Sepahijala, Tripura
2. **Md. Ahamed Ali**, son of Ali Akbar of Noagaon, Barbheti Musulman Chuba, P.S. Nagar Sadar, District- Noagaon, State- Assam
3. **Laki Begam**, wife of Alamgir Hossain of of Telkajla, Miyapara, P.S. Melaghar, District- Sepahijala, Tripura

----Respondent(s)

For the Appellant(s)	:	Mr. Raju Datta, PP
For the Respondent(s)	:	Mr. D. Bhattacharya, Sr. Adv. Ms. R. Bhattacharya, Adv.
Date of hearing & delivery of Judgment & Order	:	21.01.2026
Whether fit for reporting	:	Yes/No

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

(Dr. T.Amarnath Goud, J)

Heard Mr. Raju Datta, learned Public Prosecutor, appearing for the appellant-State of Tripura. Also heard Mr. Debalay Bhattacharya, learned senior counsel assisted by Ms. Reshmi Bhattacharya, learned counsel appearing for the accused-respondents.

2. The appellant-State, by means of filing the present appeal, under Section 419(1) of BNSS, has challenged the judgment and order dated 16.08.2024 passed by the learned Special Judge (NDPS), Sepahijala Tripura, Sonamura, in connection with case No. Special (NDPS) 14 of 2024, whereby the

accused-respondents have been acquitted from the charge under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.

3. The facts leading to the present appeal are that on 28.09.2023 at about 1100 hours, on secret information, the complainant, accompanied by the Officer-in-Charge of Melaghar Police Station and other staff, conducted a raid and search at the residence of the accused, Alamgir Hossain. During the search, they recovered one blue colour plastic packet containing contraband items of semi dry cannabis which is a small quantity from the possession of accused. Based on a suo motu complaint filed by the said complainant, Melaghar P.S. Case No. 2023/MLG/073 was registered against the accused-respondents and taken up for investigation. After completion of the investigation, charge-sheet was filed against the accused-respondents for commission offences punishable under Sections 20(b)(ii)(C)/25/29 of the NDPS Act. Subsequently, the learned Special Judge (NDPS), Sonamura, took cognizance of the offence. After providing the necessary prosecution documents, the court framed charges against the accused-respondents, to which the accused-respondents pleaded not guilty and claimed to be tried. Accordingly, trial commenced. During trial, the prosecution examined only 7[seven] witnesses out of all cited witnesses and proved the exhibited documents. Thereafter, the examination of the prosecution witnesses was closed and the accused-respondents were examined under Section 313 Cr.P.C. wherein they denied all the incriminating materials brought against them and thereby the learned trial Court by the impugned judgment acquitted the accused- respondents from the charge leveled against them on the ground that the prosecution has miserably failed to establish the charges as framed against the accused-respondents beyond all reasonable doubts. Being aggrieved, the

appellant-State has filed the present appeal challenging the impugned judgment and order of acquittal.

4. Mr. Raju Datta, learned PP appearing for the appellant-State, has argued that the learned trial Court did not consider the quantity of contraband articles which were recovered exclusively from the possession of the accused-respondent, Alamgir Hossain and the same relates to a grave offence under NDPS Act. Charge- sheet was also submitted against the accused-respondents but, the learned trial Court without giving any opportunity to the prosecution witnesses closed the evidence and acquitted the accused-respondents from the charges leveled against him. Mr. Datta, learned PP has further submitted that the learned trial Court did not consider the settled principle of law that no accused can be acquitted from criminal liability without facing proper trial and giving reasonable opportunity to the prosecution agency. Mr. Datta, learned PP has further submitted that notices were issued upon the witnesses but, without waiting for the service report, learned trial court whimsically closed evidence of the prosecution witnesses after examining 7[seen] witnesses out of all cited witnesses and most erroneously acquitted the accused-respondent. Mr. Datta, learned PP has further argued that many cases under NDPS Act exist where the accused persons were acquitted without providing a proper opportunity to the prosecution. Mr. Datta, learned PP has placed reliance upon the judgment and order dated 30.07.2025 passed by this Court in *Criminal Appeal No.4 of 2025*, which deals with the similar circumstances, and urged for remanding back the case for conducting fresh trial after setting aside the impugned judgment and order of acquittal dated 16.08.2024 by affording reasonable opportunity to rest of the prosecution witnesses for their examination and cross-examination.

5. On the other hand, Mr. Debalay Bhattacharya, learned senior counsel appearing for the accused-respondents has submitted that the learned trial Court has rightly closed the prosecution evidence since there was total failure on the part of the prosecution to secure attendance of the witnesses. Mr. Bhattacharya, learned senior counsel has submitted that has further submitted that on verbal submission of the prosecution, learned trial court has closed the prosecution evidence. Mr. Bhattacharya, learned senior counsel has also stated that the entire case is based on no evidence and hence urged for dismissal of the appeal upholding the order of acquittal of the respondents.

6. We have gone through the case records and the orders contained therein.

7. The trial court after receiving the charge-sheet took cognizance of offence on 16.02.2024 and framed charge against the accused-respondents under Sections 20(b)(ii)(c)/25/29 of the NDPS Acct, 1985 and thereafter, summons were issued upon the prosecution witnesses. The learned trial Court fixed the calender for examination of the witnesses on 31.05.2024 and 01.06.2024. On 31.05.2024, one witness, namely Hachina Begam was examined as PW-1. However, the Officer-in-Charge (O/C) of Melaghar P.S. submitted a letter to the learned Trial Court stating that witness, namely Sipra Pal of Melaghar P.S. was unable to attend as she was heavily engaged with a law and order situation and prayed for short adjournment. On 01.06.2024, Maman Miah was examined as PW-2 and the learned trial Court observed that summons upon witness, namely SPO Rupali Majumder had returned upon proper service and as such, learned trial Court issued warrant of arrest against Rupali Majumder and the prosecution was directed to produce the remaining witnesses including IO on his own accord, failing which the evidence of prosecution witnesses will be closed. On

04.07.2024, said Rupali Majumder examined and cross-examined as PW-3. On 05.07.2024, two witnesses, namely Sipra Pal and Bijoy Kr. Chakraborty were examined and cross-examined as PWs-4 and 5 but the learned trial Court on the same date, gave last and final opportunity to produce all the remaining witnesses on his own accord failing which the evidence of prosecution witnesses will be closed as it was a case of custodial trial and fixed the case on 23.07.2024. On 23.07.2024, SI Sankar Das was examined and cross-examined and fixed the case again on 24.07.2024. On 24.07.2024 one Debasish Chakraborty was examined and cross-examined. Accordingly, evidence was closed and 08.08.2024 was fixed for examination of the accused under Section 313 Cr.P.C. For convenience, the orders dated 31.05.2024, 01.06.2024, 04.07.2024, 05.07.2024, 23.07.2024, 24.07.2024 and 08.08.2024 are reproduced here-in-below:

31.05.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced from J/C. Two separate bail petitions are filed for the custody accused persons by their respective Ld. Defence Counsels.

Other accused person Laki Begam is present with her engaged Ld. Defence Counsel Mr. P. Das.

Ld. Special PP Mr. M. Sen is present with one witness namely Hachina Begam who is examined, cross-examined as PW-01 and discharged.

No other witness is present today.

Receive a message from O/C MLG PS said that Sipra Pal of MLG PS unable to attend the Court due to badly engaged in L/O duty and intimating that short adjournment.

Prayer is allowed.

Keep it with the case record.

Heard Ld. Special P.P. and Ld. Defence Counsels on bail petitions.

Upon hearing of both sides and on perusal of the case record I find no new ground to allow the bail prayer in favour of the accused persons.

Hence, in view of the section 37 of NDPS Act, the bail prayer is rejected.

To date fixed (01.06.2024) for Pws.

Accused persons are further remanded to J/C till 01.06.2024.

01.06.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced from J/C. Two separate bail petitions are filed for the custody accused persons by their respective Ld. Defence Counsels.

Ld. Special PP Mr. M. Sen Heard Ld. Special P.P. and Ld. Defence Counsels on bail petitions.

Upon hearing of both sides and on perusal of the case record I find no new ground to allow the bail prayer in favour of the accused persons.

Hence, in view of the section 37 of NDPS Act, the bail prayer is rejected.

Other accused person Laki Begam is present with her engaged Ld. Defence Counsel Mr. P. Das.

One witness namely Maman Miah is present who is examined, cross-examined as PW-02 and discharged.

No other witness is present today.

Summon to the witness namely SPO Rupali Majumder has been returned after proper service but she did not turn up without any explanation.

Issue bailable warrant of arrest against the above mentioned witnesses and she may be released on furnishing a PR bond of Rs. 1000/- on condition that she will remain present on the next date.

Today the last day of this calendar.

Prosecution is directed to produce all the remaining witnesses including IO on his own accord failing which the evidence of prosecution witnesses will be closed as it is a case of custodial trial.

//Inform.

Office is directed to issue fresh summon upon the IO of this case.

Fix 04.07.2024 for Pws(1, 3 & 4)

Fix 05.07.2024 for Prs(6 & 7).

Accused persons are further remanded to J/C till 04.07.2024.

04.07.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced from J/C.

Ld. Defence Counsel Mr. M. K. Saha is present for the accused Ahamed Ali and Ld. Defence Counsel Mr. Parimal Das is present for the accused Alamgir Hossain.

Bailed out accused Laki Begam is present with her Ld. Defence Counsel Mr. Parimal Das.

Ld. Special PP Mr. M. Sen One witness namely Rupali Majumder is present who is examined, cross-examined as PW-03 and discharged.

No other witness is present today.

Neither any summon returned regarding the other witnesses.

To date fixed for Pws.

Accused persons are further remanded to J/C till 05.07.2024.

05.07.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced from J/C.

Two separate bail petitions are filed for the custody accused persons by their respective Ld. Defence Counsels.

Ld. Special PP Mr. M. Sen.

Heard Ld. Special P.P. and Ld. Defence Counsels on bail petitions.

Upon hearing of both sides and on perusal of the case record I find no new ground to allow the bail prayer in favour of the accused persons.

Hence, in view of the section 37 of NDPS Act, the bail prayer is rejected.

Other accused person Laki Begam is present with her engaged Ld. Defence Counsel Mr. R. Chowdhury.

Two witnesses namely Sipra Pal and Bijoy Kr. Chakraborty are present who are examined, cross-examined as PW-04 & 05 and discharged.

No other witness is present today.

// Issue recall of BWA against the witness namely Rupali Majumder.

Today the last day of this calendar.

// No summons shall be issued from the court.

// It also appears that prosecution has given last opportunity to produce the witness on the next date without fail unless prosecution witnesses will be closed in terms of order dated 01.06.2024.

Heard Ld. Special P.P.

// Prosecution has given last and final opportunity to produce all the remaining witnesses on his own accord failing which the evidence of prosecution witnesses will be closed as it is a case of custodial trial.

//Inform.

Fix 23.07.2024 for Pws.

Accused persons are further remanded to J/C till 23.07.2024.

23.07.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced form J/C.

A bail petition is filed for the custody accused person namely Alamgir Hossain by his Ld. Defence Counsel Mr. R. Chowdhury.

No bail petition filed for the Custody accused Ahamed Ali.

Ld. Special PP Mr. M. Sen

Heard Ld. Special P.P. and Ld. Defence Counsels on bail petition.

Upon hearing of both sides and on perusal of the case record I find no new ground to allow the bail prayer in favour of the accused persons.

Hence, in view of the section 37 of NDPS Act, the bail prayer is rejected.

Other accused person Laki Begam is present with her engaged Ld. Defence Counsel Mr. R. Chowdhury.

One witnesses namely SI Sankar Das is present who is examined, crossexamined and discharged.

No other witness is present today.

// Issue recall of BWA against the witness namely Rupali Majumder.

Today the last day of this calendar.

// No summons shall be issued from the court.

// It also appears that prosecution has given last opportunities to produce the witness no the next date without fail unless prosecution witnesses will be closed in terms of order dated 01.06.2024 and 05.07.2024.

Ld.Special P.P. has filed a petition prays for time to produce the witnesses namely Bijoy Kr. Chakraborty and Debashish Saha.

Heard and considered.

// Prosecution has given last and final opportunity to produce the witnesses namely Bijoy Kr. Chakraborty and Debashish Saha on his own accord failing which the evidence of prosecution witnesses will be closed as it is a case of custodial trial.

//Inform.

Fix 24.07.2024 for Pws.

Accused persons are further remanded to J/C till 24.07.2024.

24.07.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced form J/C.

A bail petition is filed for the custody accused person namely Alamgir Hossain by his Ld. Defence Counsel Mr. R. Chowdhury.

No bail petition filed for the Custody accused Ahamed Ali.

Other accused person Laki Begam is present with her engaged Ld. Defence Counsel Mr. R. Chowdhury.

Ld. Special PP Mr. M. Sen with one witness namely Debashish Saha, he is examined, cross-examined and discharged.

No other witness is present.

On perusal of the case record it appears that prosecution has given last opportunities to produce the witness no the next date without fail unless prosecution witnesses will be closed in terms of order dated 01.06.2024, 05.07.2024 and 23.07.2024.

Heard Ld. Special P.P.

On verbal submission of the Ld. Special P.P. the chapter of prosecution evidence is hereby closed.

Accused person is hereby directed to remain present on the next date for examination of the accused person under section 313 of Cr.P.C and furnish a bond of Rs. 50000/- each in compliance of Section 437A of Cr.P.C. on the next date without fail.

Recall bailable warrant of arrest issued against the witnesses, if any.

Heard Ld. Special P.P. and Ld. Defence Counsels on bail petition.

Upon hearing of both sides and on perusal of the case record I find no new ground to allow the bail prayer in favour of the accused persons.

Hence, in view of the section 37 of NDPS Act, the bail prayer is rejected.

Fix 08.08.2024 for examination of accused persons u/s 313 of Cr.P.C./ execution of bail bond.

Accused persons are further remanded to J/C till 08.08.2024.

08.08.2024

Custody accused persons namely Alamgir Hossain and Ahamed Ali are produced from J/C through V/C.

Ld. Defence Counsel Mr. R. Chowdhury is present for the accused Alamgir Hossain.

Ld. Defence Counsel Mr. M.K. Saha is present for the accused Ahamed Ali.

Other bailed out accused person Laki Begam is present with her engaged Ld. Defence Counsel Mr. R. Chowdhury, she is released on bail 06.12.2023 by order dated 06.12.2023.

Ld. Special PP Mr. M. Sen is present.

Today the case is fixed for examination of accused person u/s 313 of Cr.P.C.

Accused persons have been examined u/s 313 of Cr.P.C to which they have denied all the evidence of prosecution witnesses and also declined to adduce any witness on their behalf.

Accused have been furnished bail bonds in compliance of Section 437A of Cr.P.C which is checked, found correct, verified and also accepted.

Fix 14.08.2024 for argument.

Accused persons are further remanded to J/C till 14.08.2024.

8. A court cannot automatically acquit an accused under the NDPS Act merely because the witnesses did not turn up. Courts have the power to compel the attendance of witnesses using various provisions of the Criminal Procedure Code. The court must assess the entire evidence presented and determine if the prosecution has proven its case beyond a reasonable doubt, even in the absence of certain witnesses.

9. This court in Criminal Appeal 4 of 2025 has relatably dealt with similar and identical issue-in-question, raised in this appeal, wherein in *paras 16 to 22* of the said judgment, this court has observed thus:

“[16] To deal with the case, this court thinks it apposite to extract herein below Sections 67, 87, 230 and 242 of Cr.PC.

67. Service of summons outside local limits: When a Court desires that a summons issued by it shall be served at any place outside its local jurisdiction, it shall ordinarily send summons in duplicate to a Magistrate within whose local jurisdiction the person summoned resides, or is, to be there served.

87. Issue of warrant in lieu of, or in addition to, summons-

A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person, issue, after recording its reasons in writing, a warrant for his arrest –

(a) if either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court has reason to believe that he has absconded or will not obey the summons;

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

230. Date for prosecution evidence. –

If the accused refuses to plead, or does not plead, or claims to be tried or is not convicted under Section 229, the Judge shall fix a date for the examination of witnesses, and may, on the application of the prosecution, issue any process for compelling the attendance of any witness or the production of any document or other thing.

242. Evidence for prosecution

(1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 241 the Magistrate shall fix a date for the examination of witnesses.

(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing,

(3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution;

Provided that the Magistrate may permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross examination.

[17] The learned Public Prosecutor's submission regarding the alarming number of 145 acquittals in NDPS cases without proper opportunity to the prosecution and the subsequent resignations of public prosecutors further underscores the systemic issues at play, which warrant immediate rectification to uphold the integrity of the judicial process. The cases pertaining to 2022 were disposed of in 2024 in a hurried manner, which was not warranted.

[18] In light of the fundamental principle that a fair trial is paramount to ensuring justice, this Court notes with concern the Trial Court's premature closure of the prosecution's evidence. The Apex Court's pronouncements are unequivocal Shailendra Kumar (supra) mandates the trial court's imperative duty to secure the presence of the Investigating Officer and other crucial witnesses, even resorting to coercive measures like warrants, to prevent the frustration of justice. This critical responsibility was evidently not discharged in the present case, as the prosecution was denied the opportunity to present its full evidence. For ready reference, the same is extracted herein below:

9. In our view, in a murder trial it is sordid and repulsive matter that without informing the police station officer-in-charge, the matters are proceeded by the Court and by the APP and tried to be disposed of as if the prosecution has not led any evidence. From the facts stated above, it appears that accused wants to frustrate the prosecution by unjustified means and it appears that by one way or the other the Addl. Sessions Judge as well as the APP have not taken any interest in discharge of their duties. It was the duty of the Sessions Judge to issue summons to the investigating officer if he failed to remain present at the time of trial of the case. The presence of investigating officer at the time of trial is must. It is his duty to keep the witnesses present. If there is failure on part of any witness to remain present, it is the duty of the Court to take appropriate action including issuance of bailable/non-bailable warrants as the case may be. It should be well understood that prosecution cannot be frustrated by such methods and victims of the crime cannot be left in lurch.

[19] Further, the decision to terminate the trial due to the mere lapse of time stands contrary to the dictum in P. Ramachandra Rao (supra), which firmly establishes that no rigid outer limit can be prescribed for the conclusion of criminal proceedings, particularly if such termination stifles the prosecution's ability to prove its case. The Trial Court's role, as clarified in Mina Lalita Baruwa (supra), is not that of a silent spectator; rather, it has an active duty to ensure all relevant evidence is brought forth and to intervene when necessary. This inherent judicial responsibility was not upheld. For ready reference, the same is extracted herein below:

19. In criminal jurisprudence, while the offence is against the society, it is the unfortunate victim who is the actual sufferer and therefore, it is imperative for the State and the prosecution to ensure that no stone is left unturned. It is also the equal, if not more, the duty and responsibility of the Court to be alive and alert in the course of trial of a criminal case and ensure that the evidence recorded in accordance with law reflect every bit of vital information placed before it. It can also be said that in that process the Court should be conscious of its responsibility and at times when the prosecution either deliberately or inadvertently omit to bring forth a notable piece of evidence or a conspicuous statement of any witness with a view to either support or prejudice the case of any party, should not hesitate to interject and prompt the prosecution side to clarify the position or act on its own and get

the record of proceedings straight. Neither the prosecution nor the Court should remain a silent spectator in such situations. Like in the present case where there is a wrong statement made by a witness contrary to his own record and the prosecution failed to note the situation at that moment or later when it was brought to light and whereafter also the prosecution remained silent, the Court should have acted promptly and taken necessary steps to rectify the situation appropriately. The whole scheme of the Code of Criminal Procedure envisages foolproof system in dealing with a crime alleged against the accused and thereby ensure that the guilty does not escape and innocent is not punished. It is with the above background, we feel that the present issue involved in the case on hand should be dealt with.

[20] Moreover, the principle from Prodyut Kumar Baidya (supra) reinforces the court's obligation to secure witness presence once summons are served. For ready reference, the same extracted herein below:

4. Heard the submissions of the Id. Advocates appearing for the parties. Considered the materials on record. From the impugned order it appears that the Sub-Postmaster, Katihar Post Office and Head of Post-Office were served with the summons and they received the same. In spite of receipt of the summons, the SubPostmaster, Katihar Post Office failed and neglected to appear before the Court in answer to the summons. The Id. Magistrate sought to have taken steps according to law for securing the presence' of the witnesses before him. Instead of doing the same, he simply avoided it saying that the matter is a quasi-civil in nature and it is duty of the person who cited them as witnesses to secure his presence before the Court. The part that is to be performed by the party who cites a witness is to deposit the requisite and if on his prayer the summons are issued then it becomes the duty of the court to secure the presence of that witnesses if the summons are served upon that witness as the fiat of the court has not been complied with. In the instant case, upon the prayer of the party summons were issued and served upon the witnesses but they ignored the summons and failed to appear before the court. In such circumstances, the court is to take steps for securing their presence before the court as contemplated under the Cr. P.C. The Id. Magistrate is, accordingly, directed to take appropriate steps to secure the presence of the said witnesses before the court and for that he may consider the exercise of his power under Section 87 of the Cr. P.C. 1973.

[21] The cumulative effect of these judicial pronouncements leads this Court to conclude that the Trial Court's actions constitute a clear deviation from established norms, resulting in a miscarriage of justice that warrants the setting aside of the impugned judgment.

[22] This Court must remind the trial court of its powers and duties under the Code of Criminal Procedure, 1973, as well as the Narcotic Drugs and Psychotropic Substances Act, 1985. Section 67 of the NDPS Act deals with the power to call for information, which is often a critical piece of evidence. The trial court's duty to secure the presence of the witnesses who can testify to such information is thus integral to the prosecution's case. Under Section 242 of the Cr.P.C., the court is to proceed to hear the prosecution and take all such evidence as may be produced in support of the prosecution. This is the stage where the prosecution is to be given a fair and complete opportunity. Furthermore, Section 230 of the Cr.P.C. expressly mandates the judge to fix a date for the examination of witnesses and to issue process for compelling their attendance upon the prosecution's application. Finally, Section 87 of the Cr.P.C. provides the necessary legal mechanism, allowing the court to issue a warrant for a person's arrest in addition to, or in lieu of, a summons, if there is reason to believe the person has absconded or will not obey the summons, or fails to appear despite due service. The trial court's inaction in utilizing these statutory powers to ensure a full and fair trial for the State led to a miscarriage of justice that cannot be sustained."

10. When a court has previously dealt with a similar issue, the legal principle of **precedent** generally requires that the same law be applied to ensure consistency and predictability in the legal system. In light of the precedents cited, the Court held that the trial court had committed error in law in acquitting the accused-respondents without securing evidence of the prosecution witness.

Thus, the impugned judgment and order passed by the learned trial Court is a miscarriage of justice and the same cannot sustain.

11. In fine, the impugned judgment and order dated 16.08.2024 passed by the learned Special Judge (NDPS), Sepahijala Tripura, Sonamura, in connection with case No. Special (NDPS) 14 of 2024, is hereby set-aside. Accordingly, the matter is remanded back to the learned Special Judge(NDPS), Sepahijala District, Sonamura, with a direction to conduct a fresh trial by calling upon rest of the prosecution witnesses. However, it is made clear that reasonable opportunity shall be afforded to the prosecution witnesses. It is further made clear that after closure of evidences of all the prosecution witnesses, learned Court below shall deliver its judgment afresh. The entire exercise shall be completed expeditiously.

The appeal stands allowed to the extent as indicated above. Pending application(s), if any, also stands disposed.

12. The accused-respondents are directed to surrender before the learned trial Court on or before 30.01.2026. Upon their surrender, the learned trial Court may consider bail application, if so, filed by them, in accordance with law. It is needless to observe that, in the event the accused- respondents are on bail pending trial, the benefit shall be extended to him.

S.DATTA PURKAYASTHA,J

DR.T. AMARNATH GOUD,J

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