

17.02.2023
Court No.13
Item No.548
AP

WPA 8595 of 2021

**Achanulla Molla
Vs.
State of West Bengal and Ors.**

Mr. Jayanta Narayan Chatterjee
Ms. Jayashree Patra
Mr. Bhaskar Mondal

... For the Petitioner.

Mr. Kallol Mondal
Mr. Mosharraf Alam Sk.
Mr. Souvik Das
Ms. Susmita Ghorai
Mr. Sk. Mustafi Rahaman

... For the Respondent No.9.

Supplementary affidavit filed by the petitioner is taken on record.

The case diary has been produced by the Kulpi Police. The Officer-in-Charge, Kulpi Police Station, Sundarban Police District has filed a report dated 16th February, 2023 and the same is taken on record.

It appears from the report that three accused persons are in custody. The bail application of one of the accused persons has been cancelled.

Mr. Chatterjee, learned counsel for the petitioner submits that his client has been threatened by the O.C. of the Kulpi P.S. The O.C. is stated to have kept some narcotics to foist an NDPS prosecution against the petitioner if he deposes in the matter.

Let a copy of the affidavit along with transcript and pen-drive be served upon the Superintendent of Police, Sundarban Police District by the petitioner.

The Superintendent of Police, Sundarban Police District shall make necessary enquiry on the allegation of the petitioner and take all necessary action. The petitioner and/or his legal representative may be heard in this regard, by the Superintendent of Police, Sundarban Police District.

In respect of the investigation, charge-sheet has been filed and has also been put to committal. The trial has commenced.

If the petitioner has any additional evidence in his custody, which has been omitted by the investigating officer, he is granted liberty to file an application before the Sessions Judge for invoking the provisions of section 311 of the CrPC.

It is ordered that the trial in the matter shall be completed mandatorily and positively within a period of six months from date.

The witnesses shall be examined and/or cross-examined without any demur on each date fixed.

The Superintendent of Police, Sundarban Police District shall seriously consider due protection to all the witnesses named in the charge sheet and also call upon by the Sessions Judge in exercise of powers of the CrPC including the petitioner till conclusion of the trial. It shall be ensured that each of the witnesses depose without any fear or threat.

The case diary be returned.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)