

July 13, 2023
AD – 17
Ct. 34
SG

CRR 2251 of 2023

Suniti Mondal
-versus-
The State of West Bengal

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
... for the petitioner.

Mr. Arijit Ganguly
Mr. Koushik Kundu
... for the State.

Sub-Divisional Police Officer, Ranaghat has submitted a report and the same be kept with the record.

The reasons of which prima facie, seem to be debatable as the presiding officer was reluctant to take up the matter, the witnesses had to wait and thereafter date was fixed. The duty of the superior officer of the police is also to check the order which was passed on the relevant date.

In the report dated 20.05.2023, it reflects that the de facto complainant appeared before the court as CSW-1 but in the order dated 20.05.2023 it has been recorded by the trial court that no witness is produced by the prosecution.

It was duty of the learned Public prosecutor to bring it to the notice of the court. If the court is reluctant to take up the matter, it cannot shift the onus on the shoulder of a

witness. Another issue which is surprising is that no efforts were taken to fix the date of the case within a regular schedule. It is noticed that on 20.05.2023 after 11 months date has been fixed on April, 2024. On previous occasions dates were fixed alternately within 2/3 months.

The approach of the stakeholders are not acceptable to the court. SDPO, Ranaghat would communicate necessary instructions to learned Public Prosecutor conducting the case to take out an application for preponing of the date.

The accused persons be served notice at their appropriate addresses to appear before the court. CSW-1 will also appear before the court on the next date. The examination-in-chief would proceed on the next date so fixed.

The learned trial court is directed to fix first date on 31st August, 2023 and commence the date for examination of the witnesses on and from 17th August, 2023, thereafter the court will fix regular schedule according to its convenience, preferably once in every 60 days.

SDPO, Ranaghat would monitor the further progress of the case so far as it relates to availability of the witnesses concerned and/or the requirements of the production of the alamats in this case on the date so fixed for evidence. Efforts be taken to conclude the trial at the earliest.

With the aforesaid observations, CRR 2251 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

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

Urgent certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)