

15.04.2024
Serial no. 4
[G.S.D]

CRR 442 of 2024

In the matter of : Jaya Kandari

... .. Petitioner

Mr. Shamim Ahammed
Mr. Arka Ranjan Bhattacharyya
Ms. Gulsanwara Pervin

... for the petitioner

Mr. Debasish Roy
Mr. Iqbal Kabir

... for the State

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... for the o.p. no.2

Report submitted by the Id. Advocate for the State
be kept with the record.

The records of the case reflect that earlier the present petitioner, namely, Jaya Kandari, reported to the police authorities that she was being threatened by the accused, as such, Berhampore P.S. GDE No. 2091 dt. 24.7.2023 was recorded.

The present case is at the district of Purba Medinipur, which is presently before the Id. Addl. Dist. & Sessions Judge, 2nd Court, Tamluk, Purba Medinipur being ST No. 81 of 2021.

On behalf of the present petitioner, number of issues have been raised: (1) that the victim and their family members are being threatened; (2) witnesses are not getting information from the Id. Court regarding the date being fixed, as such, the trial is being dragged and (3) the family of the victim is feeling nervous to appear at the trial court.

I find from the records of the case that the charges were framed under sections 498A/304B of the IPC and Section 4 of the DP Act and the Id. Trial Court has been trying its level best to expedite the process of trial.

However, for the reasons beyond its control, the Sessions Case is not progressing and till date, as submitted, only one witness has been examined.

Having considered the totality of the circumstances, I am of the view that the trial of the case should continue before the Id. Addl. Dist. & Sessions Judge, 2nd Court, Tamluk.

In case, the petitioner and/or any of the witness are afraid and/or they apprehend that they may be heckled and harassed and, there is every possibility of the life being at threat, they will inform the DSP/SDPO/ASP in charge of Tamluk PS dt. 552 of 2019 dt. 11.9.2019, subsequently, renumbered as ST 81 of 2021.

The Id. Trial court is directed to ensure that notices which are being served upon the witnesses are served through the superior officer of the concerned p.s. in the rank of DSP/SDPO, who would submit a report before the court regarding the availability of the witnesses and/or if any witness is absent for the reasons beyond his control, in that case, the Id. Trial court would take all efforts regarding the presence of the witness on the date so fixed by passing appropriate orders upon the superior officer of police, who is directed to give both protection as well as ensure service of notice upon the witness concerned.

The Id. Trial court would ensure that no untoward incident happens and to that effect the Id. Trial court would be at liberty to pass any order to ensure protection of the witnesses so that in a free and fair ambience the trial of the case can be taken to its logical conclusion.

A schedule be fixed consisting of three dates and once in a month such schedule be fixed so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

With the aforesaid observations, CRR 442 of 2024 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)