

D/L33
18.04.2024
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C.R.R.505 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure;

Malina Sikdar
Versus
The State of West Bengal and another

Mr. Arka Pratim Chowdhury
Mr. Sunny Nandy.
...for the petitioner.

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly
Ms. Sreemoyi Roy.
...for the State.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose.
...for the opposite party no.2.

Report submitted by the Inspector-in-Charge, Bongaon Women Police Station in connection with Bongaon Women Police Station Case No.56/17 dated 13.07.2017 be kept with the record.

Learned Public Prosecutor submitted before this Court that supplementary charge-sheet was submitted incorporating the name of the present petitioner. So far as the evidence of the petitioner is concerned, she was repeatedly called. However, she did not cooperate with the prosecution.

On the other hand, learned advocate appearing for the petitioner opposes such submissions and contends that the petitioner had been to court on several occasions, but in spite of the same, she could not establish the communication as to how her

evidence would be recorded. There are some reflections that the petitioner was present in court.

Having regard to the peculiarity of the circumstances which has surfaced in this case, I direct that the learned Judicial Magistrate who is in seisin of the present case would after concluding the present witness who has been examined issue notice through the Inspector-in-Charge, Bongaon Women Police Station who would depute a police personnel for establishing a contact between the public prosecutor conducting the case on the date so fixed. Learned Magistrate is directed that the evidence of the witness be recorded as she is the complainant and on her evidence the case was initiated and without her evidence it would be very difficult for the prosecution to come to a logical conclusion.

It has been informed that the next date is fixed on 15th May, 2024.

In case no witness is fixed on 15th May, 2024, the Inspector-in-Charge of Bongaon Police Station will take steps so that the complainant/petitioner may be placed before the court for evidence being recorded. Learned Magistrate will continue with the evidence in spite of any resolution of the local bar and the representing advocates under no circumstances would stall the proceedings for any such resolution being taken by the bar. Learned public prosecutor would produce all the materials, documents and exhibits on the date so fixed. All efforts be taken to conclude the trial as expeditiously as possible within a reasonable period of time.

With the aforesaid observations, CRR 505 of 2024 is

disposed of.

Pending connected 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 photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)