

10.05.2024
SL. 64
Court No. 34
Suvayan

C.R.R. 1146 of 2023

In Re: - An application under Sections 397/401 read with
Section 482 of the Code of Criminal Procedure.

And

In the matter of: **Kush Das @ Kusha Das**

....petitioner.

Mr. Sabyasachi Bhattacharjee
Mr. Zeeshan Ahmed Tarafder

...for the petitioner.

Mr. Debasish Roy, PP
Mr. Arijit Ganguly
Ms. Sreemoyi Roy

...for the State.

The report as filed by the learned Advocate for the State be
taken on record.

Report submitted by the Deputy Commissioner of Police,
Bidhannagar Police Commissionerate reflects that ten witnesses
were vital for the prosecution who have not been examined in the
instant case. Out of whom one Md. Jamal passed away during
Covid period as such nine witnesses who are available and for ends
of justice they are required to be examined.

Accordingly, I direct the learned trial court being the learned
Additional Sessions Judge, Fast Track Court, 1st Court at Barasat to
recall the following nine witnesses whom the prosecution intends to
examine considering the nature of the charges which were framed
by the learned trial court.

The following witnesses being:

1. Md. Chand
2. Smt. Tara Begum
3. Md. Nadim

4. Sk. Raju
5. Md. Nadim
6. Kumari Derakshi Khatun
7. Md. Nasim
8. Md. Akhtar
9. Md. Soukat Ahamed

The Deputy Commissioner of Police, Bidhannagar Zone is directed to engage a nodal Officer who would follow the case regularly and make the witnesses available on the date so fixed by the learned trial court.

Learned Trial Court is directed to fix three dates in a week for the purposes of the present case on and from July 15, 2024.

All efforts be taken so that by September 15, 2024, the examination-in-chief and cross-examination of all nine witnesses are completed. All efforts be taken by the prosecution as well as the Deputy Commissioner, Bidhannagar Division who has submitted the report that there should not be any leniency shown in the case which is under Section 302 of the Indian Penal Code. Learned trial court would after the nine witnesses are over within the scheduled date proceed in respect of the provisions of Section 313 of the Code of Criminal Procedure and if required the defendants intend to examine any witness in support of their case grant time.

It is further directed that as a specific schedule is directed by this Court, the participating Advocates will not stall the proceedings in spite of resolution of the local Bar being taken for any reason or the other. There shall be continuation of the proceedings and no witness should return back without being examined in Court.

Learned Public Prosecutor conducting the case will produce the materials, documents and exhibits on the next date so fixed for examination of the witness concerned. All efforts be taken by the stakeholders to conclude the trial meaningfully within the schedule and the mode and manner described above.

With the aforesaid observation, CRR 1146 of 2023 is disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

