

30/10/00  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-50/2002 order sheet Pg-1 INDEX

Dismissed Date- 12/04/02

O.A/T.A No. 153/2001.....

R.A/C.P No.....

E.P/M.A No. 50/2002.....

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SECTION OFFICER (Judl.)

FORM NO. 4  
(See Rule 42 )IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::: GUWAHATI

## ORDER SHEET

Original APPLICATION NO .... 153 ... OF 2001.

Applicant (s) Juna Gayani (Bivas) TomRespondent (s) V.O.T TomAdvocate for Applicants (s) B.R. Dey, S.D. Chaudhury, T. Roy,  
Mrs B. SarkerAdvocate for Respondent (s) Case Rly.

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time & order of notice Petition is filed in this date M.P. No. .... C.P. for E.S. .... date IPO/EC No. 66792249	12.5 4.5.2001	Pass over to 4.5.2001; m/s A.R.S. 2.5
Dated ..... 10.4.2001		Hear the learned counsel for the applicants. The application is admitted. Call for the records. List for orders on 1.6.01.
<i>Received received Date</i>	<i>By Registry 15 23/4/2001</i>	<i>1.6.2001</i>
	nk m	List on 26-6-2001 to enable the respondents for filing of written statement.
<i>Notice has been issued and sent to SAC for issuing the Subordinate No 1705 by Regd A.D. vide DINo 176510/1769 dated 22/5/01</i>	26.5.01	<i>List again on 3-8-2001 to enable the respondents for filing of written statement.</i>
<i>27/5/01</i>	<i>02-03-2001</i>	<i>Vice-Chairman</i>
<i>W/Statement has not been filed.</i>	<i>mb</i>	<i>Vice-Chairman</i>

2  
O.A. 153 of 2001

3.8.01 Written statement has not been filed. List the matter again on 31.8.2001 to enable the respondents to file written statement.

N.B. written statement has been filed.

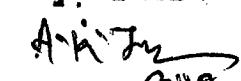
  
Vice-Chairman

30.8.2001

trd

31.8.01 List on 3.10.2001 enabling the respondents for filing of written statement.

By Order

  
A. K. Jy  
31/8

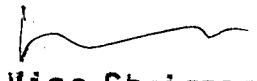
13.11.2001

bb

Works submitted  
by the Respondents:

3.10.01 List again on 21.11.2001 to enable the respondents to file written statement.

  
P.S.

  
Vice-Chairman

bb

21.11.01 Written statement has been filed. List the matter for hearing on 04.01.2002. In the meantime the applicant may file rejoinder if any.

No rejoinder has been filed.

30.11.01

  
Vice-Chairman

trd

4.1.02 List it again on 1.2.2002 for hearing. The applicant may file, rejoinder, if any, within that period.

No rejoinder has been filed.

31.1.02

  
Vice-Chairman

mb. d. c. s.

Notes of the Registry	Date	Order of the Tribunal
	1.2.02	Prayer has been made by Sri T.Roy, learned counsel for the applicant for adjournment of the case. Prayer is allowed List on 27.2.2002 for hearing.
		<i>[Signature]</i> Vice-Chairman
	27.2.02	Mr.T.Roy learned counsel appearing on behalf of Mr.B.K.Dey learned counsel for the applicant and submits that his senior is not available to-day for personal reason, he prays for adjournment. Prayer is allowed. List on 22.3.02 for hearing.
		<i>[Signature]</i> Member
18.3.2002 Rejoinder on behalf of the Applicants.	22.3.02	Mr.T.K. Roy learned counsel appearing on behalf of the applicant submits that his senior will appear in this case and he prays for adjournment. Prayer is allowed. List on 1.4.02 for hearing.
<i>[Signature]</i> 18/3	1.4.02	None appeared for the applicant. Mr. S.Sengupta, learned counsel for the Respondents produced the records of disciplinary proceedings. On account of absence of the representative for the applicant, the case is adjourned. List on 12.4.2002 for hearing. The records will be produced at the time of next hearing.
		<i>[Signature]</i> Member
	mb	

Notes of the Registry	Date	Order of the Tribunal
<p>Received the judgement Order 212/4/2002 Date 10/5/2002 20/5/2002</p>	<p>12x4x82 12.4.2002</p>	<p>Нажда охиннекхтар тиң жаккия. Нажиниң охиннекшет. Жиңиңиң охиннекшет хи үрән ғонук, көрк үл жарнанда жарнан.</p> <p>Heard counsel for the parties. Judgment delivered in open Court, kept in separate sheets.</p> <p>The application is dismissed in terms of the order. No order as to costs.</p> <p>ICL Shar Member</p> <p>bb</p>

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./K.K. No. . 153 . . . of 2001.

DATE OF DECISION 12-4-2002.

Smt Juna Gayari(Biswas) and others.

APPLICANT(S)

None present for the applicant ADVOCATE FOR THE APPLICANT(S)

" VERSUS -

Union of India & Ors.

RESPONDENT(S)

Sri S.Sengupta, Railway standing counsel ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE MR K.K.SHARMA,ADMINISTRATIVE MEMBER

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5.

Judgment delivered by Hon'ble Member(A)

11/4/2002  
K.K.Sharma

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 153 of 2001.

Date of Order : This the 12th Day of April, 2002.

The Hon'ble Mr K.K.Sharma, Administrative Member.

1. Smt Juna Gayari (Biswas)  
wife of Sri Kanai Biswas
2. Smt Seema Gayari (Agarwalla)  
wife of Sri Kamal Agarwala,
3. Shri Monoj Gayari and
4. Shri Raju Kumar Gayari,  
Bongaigaon, P.O.Bongaigaon(Assam) . . . Applicants.

None present for the applicants.

- versus -

1. Union of India,  
represented by the General Manager,  
N.F.Railway Head Quarters,  
Maligaon, P.C.Guahati-11.
2. The Chief Security Commissioner,  
Railway Protection Force,  
N.F.Railway Head Quarters,  
Maligaon, Guahati-11.
3. The Chief Personnel Officer,  
N.F.Railway, Maligaon,  
Guahati-11.
4. The Divisional Security Commissioner,  
R.P.F, Office of the D.R.M.,  
Alipurduar Junction, Alipurduar,  
Dist. Jalpaiguri, West Bengal.
5. The Divisional personnel Officer,  
N.F.Railway, Alipurduar,  
Dist. Jalpaiguri, West Bengal. . . . Respondents.

By Sri S.Sengupta, Railway standing counsel.

O R D E R

K.K.SHARMA, ADMN. MEMBER,

The four applicants have jointly filed this application claiming the following reliefs :

- i) The balance of salary after the date of suspension in 1978 to the date of death i.e. 28.1.1990,
- ii) The family pension to widow of late Phanindra Gayari from the date of death of employee (on 28.1.90)

*LL Sh*

to the date of death of widow Mini Gayari on 15.12.1995.

iii) The family pension to other legal heirs of late Phanindra Gayari after the death of his widow on 15.12.1995.

2. The applicants are relatives of late Phanindra Gayari who was working as Head Constable in Railway Protection Force. The applicant has been filed on 23.4.2001. Shri Phanidra Gayari expired on 28.1.90. Shri Gayari while he was posted at Alipurduar Junction was arrested on 3.6.78 in connection with G.R.Case No.640/78. It is stated that the applicant was placed under suspension. The fact that the applicant was suspended was disputed by the respondents and it is stated that he was never under suspension. Sri Phanindra Gayari expired on 28.1.90. It is stated in the application that all the accused who were also prosecuted in G.R.Case No.640/78 have been reinstated and given pensionary benefits. All the accused in the case were declared innocent and acquitted. The judgment in G.R.Case No.640/78 was pronounced on 25.7.94. The other accused in that case were given pensionary benefits while Phanindra Gayari was not given any such benefit. According to the applicants great injustice had been done to late phanindra Gayari. The applicants have jointly moved this application to get justice. The applicants had also given a legal notice to respondent No.2 to 5 on 30.6.2000. The claim of the applicants for the benefits is based on the acquittal of the other accused in the G.R.Case No.640/78.

3. The application had been listed for hearing on 4.1.2002, 1.2.2002, 27.2.2002, 22.3.2002 and 1.4.2002 and thereafter on 12.4.2002. On all these dates either

CC Usha

there was no appearance on behalf of the applicants or adjournment was taken. On 1.4.2002 also there was no appearance on behalf of the applicants. Mr S.Sengupta, learned Railway standing counsel was directed to produce the record of disciplinary proceeding.

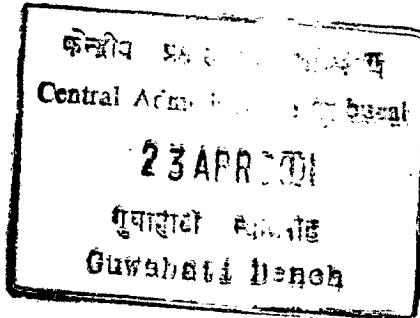
4. The respondents have filed their written statement and Mr S.Sengupta, learned Railway standing counsel produced the record as directed. Mr Sengupta submitted that the applicant was never placed under suspension. The ~~applicant~~ <sup>was</sup> ~~unauthorisedly~~ <sup>absent from duty</sup> ~~with effect~~ from 29.4.78 and he was removed from service on 2.8.78 after enquiry. The respondents have objected to the application on numerous grounds. It is stated that the application is barred by limitation. The removal of Sri Gayari was not connected with criminal case but was on account of unauthorised absence. Late Gayari had completed only 12 years of service before he was removed from service and such service does not qualify him for pensionary benefits. It is stated that the claim of the applicants are fabricated and no valid or legal ground has been made. A disciplinary proceeding was initiated against the unauthorised absence. Sri Gayari did not take part in the enquiry. The disciplinary authority took ex parte decision. Before passing the final order of removal dated 2.8.78 Sri Gayari was allowed reasonable opportunity to be heard in person. Sri Gayari had also filed an appeal against the order of removal. The same was dismissed as it was time barred. Mr Sengupta, the learned counsel for the respondents also submitted that as per rules the applicant is not entitled to pension, family and pension/ as he was removed from service question of payment of pension does not arise.

IC Ullah

5. I have heard the learned counsel for the respondents at length and perused the documents filed with the application as well as the records produced by the respondents. The deceased employee expired on 28.1.90. The application has been filed on 23.4.2001. The respondents have not given any elaborate reasons to justify the rejection of the claim for pension. The delay in filing the application is also not explained. There is no appearance on behalf of the applicants to represent their case. From the records available before me I do not find any merit in the case. Accordingly the application is dismissed.

There shall, however, be no order as to costs.

*K K Sharma*  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER



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23/4/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI

Original Application No. 153 of 2001

Smt. Juna Gayari ( Biswas ) & Others ... Applicants

- Es. -

Union of India, New Delhi & Others ... Respondents

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Filed by :-

Zapin Ray

Advocate 23/4/2001

Smt. Juna Gayari ( Biswas )  
& others . . . Applicants

Through

Japan Roy. Advocate

13/4/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH : GUWAHATI

Original Application No.

2001

1. Smt. Juna Gayari ( Biswas )  
Wife of Sri Kanai Biswas
2. Smt. Seema Gayari ( Agarwalla )  
Wife of Sri Kamal Agarwalla
3. Shri Monoj Gayari
4. Shri Raju Kumar Gayari

Nos. 1 & 2 are married daughters and Nos.  
3 & 4 are Sons of Late Phanindra Gayari. All  
are residents of Bongaigaon Town  
P.O. & District Bongaigaon ( Assam )

.. Applicants

- Versus

1. Union of India, New Delhi  
represented by the General Manager  
N. F. Railway Head Quarters  
Maligaon, P.O. Guwahati-11
2. The Chief Security Commissioner  
Railway Protection Force  
N. F. Railway Head Quarters  
Maligaon, P.O. Guwahati-11
3. The Chief Personal Officer  
N. F. Railway Head Quarters  
Maligaon, P.O. Guwahati-11
4. The Divisional Security Officer, R.P.F.  
C/O. Office of the D.R.M. Alipurduar Junction  
P.O. Alipurduar, District-Jalpaiguri  
West Bengal
5. The Divisional Personal Officer  
C/O. Office of the D.R.M. Alipurduar Junction  
P.O. Alipurduar, District-Jalpaiguri  
West Bengal

.. Respondents

- 2 -

1. Details of Application

Gross inaction and complete silence by the Official Respondents to the various demands and requests made by and on behalf of the Applicants to extend post retirement and other financial & pensionary benefits to them on account of the death of their father Late Phanindra Gayari and also non-release of accrued family pension as demanded in two legal notices dated 30.6.2000 and 12.8.2000.

Copies of the above registered legal notices dated 30.6.2000 and 12.8.2000 are annexed hereto and marked as Annexures - I & II.

2. Jurisdiction of the Tribunal

That the applicants declare that the subject matter of the complaint for which redressal is prayed is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The Hon'ble High Court of Gauhati vide Order dated 28.2.2001 in W. P. (C) No. 1214/2001 directing the petitioners to approach this Hon'ble Tribunal as this Hon'ble Tribunal has jurisdiction for service benefits from Railways under the provision of Section 14 of the C.A.T.

Copy of the said order dated 28.2.2001 is annexed hereto and marked as Annexure-III.

4. Facts of the Case

(a) That Your humble Applicants state that their father worked as Head Constable in Railway Protection Force and was posted in the said capacity at Alipurduar Junction

G.S.C. (Secty) (Secty)

14

*not placed  
under suspension*

under the respondents and on 3. 6. 1978, while he was posted at Alipurduar R.P.F. Post, he was arrested alongwith other R.P.F. Staff in connection with G. R. Case No. 640 of 1978 and was placed under suspension and was made to stand trial alongwith the other R.P.F. Staff who were also arrested alongwith him. The case was initiated at the instance of an over jealous officer and ultimately resulted in acquittal.

(b) That Your humble Applicants state that Officer-in-Charge, G.R.P.S., Alipurduar Junction had submitted the Charge-Sheet No. 10 dated 10.6.78 against their father and others in connection with the aforesaid G. R. Case No. 640 of 1978 in the Court of S. D. J. M. at Alipurduar and besides Late Phanindra Gayari ( the father of the petitioner ) Rambali Ravi Das, Ramesh Chandra Das, Naren Baishya and Sunil Bhownik were accused and their father was allowed to go on bail vide order dated 7.6.78 and came out of custody on 8.6.78 when the bail-bond furnished on his behalf accepted.

(c) That Your humble Applicants state that their father was made a victim of some conspiracy and was made to stand trial alongwith the aforesaid R.P.F. personnel, though all of them were innocent and during the pendency of the case, because of the trauma <sup>and</sup> humiliation suffered by him due to his unwarranted arrest, their father could not survive long and breathed his last on 28.01.90.

(cc) That Your humble applicants pray that the above applicants are jointly submitting this petition before the Hon'ble Tribunal for redressal of their grievances which may please be allowed in compliance with the rules under section 4(5)(a) of C.A.T procedure rules, 1987.

S  
(SUGGESTED REPLY NO. 1)

(d) That Your humble Applicants state that G. R. Case No. 640 of 1978 proceeded at leisurely pace since 6.10.78 i.e. since the date of submission of charge-sheet and their unfortunate father Phanindra Gayari expired on 28.1.90 and the learned Magistrate vide Order dated 1.2.93 passed an order to the effect that case against Phanindra Gayari stood abated. The applicants further state that the case proceeded against the other accused persons and vide Judgement dated 26.5.94 the learned S.D.J.M., Alipurduar (West Bengal) after discussing the evidence adduced by the prosecution came to a conclusion that there was no evidence available against the accused and proceeded to pronounce them as innocent and consequently acquitted them under Section 248(i) Cr. P. C. by declaring them as innocent.

Copy of the Judgement and Order dated 26.5.94 (Translated from Bengali to English) is annexed hereto and marked as Annexure-IV.

(e) That Your humble Applicants state that their mother Mini Gayari died on 15.12.95 at Dr. B. Baruah Cancer Institute at Guwahati in acute pain and poverty since financial benefits accrued and payable on the death of her husband on 28.1.90 and the applicant's father were not made available to her as no papers or information regarding pensionary benefits on death during service period even after the pronouncement of judgement dated 26.5.1994 of acquitted of all other R.P.F. Staffs.

GAYARI GAYARI (GAYARI)

10

(f) That Your humble Applicants state that they have learnt that after acquittal in the G. R. Case No. 640 of 1978, the fellow accused R.P.F. Personnel of their Late father, received all financial benefits to which they were entitled since upon their acquittal they were re-instated into service and all the service benefits during the period of their trial as well as post retirement benefits after their retirement dates were made available to them by official respondents. However, as because their father Late Phanindra Gayari died during pendency of the case no such benefits were made available to his legal heirs including his widow who was suffering from incurable disease of Cancer and the unfortunate widow could not even take proper treatment due to want of funds and died on 15.12.95 leaving behind the applicants who also were living in poverty due to the death of their father ( on 28.1.90 ) and even could not pursue even their studies to improve their lot and to add fuel to the injury, their mothers incurable disease of Cancer made the applicant crippled in all respects during these period from 1978 to 1994. The applicant's father expired on 28.1.90, their mother died on 15.12.95 and the learned S.D.J.M.'S Judgement passed on 26.5.1994, acquitting all other alleged four other accused of R.P.F. Staffs. The applicants Nos. 2 to 4 were also minors at the time of death of their father.

(g) That after the judgement of acquittal dated 26.5.1994, the fellow accused R.P.F. Personnel of their Late father received all the financial benefits to which they were

entitled since upon their acquittal they were reinstated into service and all the service benefits during the period of their trial as well as post retirement benefit after their retirement dates were made available to them by official respondents but it is their irony of fate, no papers in connection with the service period upto the date of death i.e. 28.1.90 of the father of the applicants were issued either during the life-time of their mother ( upto 15.12.95 ) or to this date even after issuing two notices on 30.6.2000 and 12.8.2000.

(h) That Your humble applicants state that upon attaining adulthood and worldly knowledge they could realise that gross injustice was done to their case by the official respondents as well as to their mother by not extending permissible financial benefits to them after the order of acquittal on 26.5.94 though such financial benefits were extended to the fellow R.P.F. Personnel and co-accused of their late father Phanindra Gayari. The petitioners obtained the necessary certificates, certified copies etc. and made repeated request to the offices of the respondents Nos. 4 & 5 but all such visits proved futile and no final settlement of the dues accrued on the death of Late Phanindra Gayari was made available to them. Consequently, the applicants met an advocate and placed all the facts before him who sent a registered notices on 30.6.2000 to respondents Nos. 2 to 5 with a request that the petitioners as a legal

1888-1890 1890-1891

heirs of Late Phanindra Gayari were entitled to get all financial benefits accrued at the death of their father ( on 28.1.90 ) and mother ( 15.12.95 ) including the family pension etc. but no action was made even after the receipt of these two legal notices on 30.6.2000 and 12.8.2000.

### **5. Grounds for relief with legal provisions:**

For that the applicant's father was employee of Railways and he was arrested alongwith other four R.P.F. Staffs in 1978 on alleged charge of theft and charge-sheet was submitted but the prosecution could not establish the charge for want of evidence and the learned S.D.J.M. of Alipurduar acquitted them on 26.5.1994 and consequently all other alleged accused re-instated in their service and got the benefit of service during the pendency of the Suit No. 640 of 1978 of S.D.J.M., Jalpaiguri, and, as such, the petitioner is entitled to get the service benefits under the provision of Section 14 of C.A.T.

#### 6. Details of the Remedies exhausted :

That Your humble applicants state that after obtaining the necessary certificates, certified copies etc, made repeated requests to the offices of the respondents Nos. 4 & 5 but all such visits proved futile and no final settlement of the dues accrued on the death of Late Phanindra Gayari was made available to them. Consequently, the applicants met an advocate and placed all the facts

CISERI/UR/14/1025

before him, who sent a registered legal notice on 30.6.2000 to the respondents Nos. 2 to 5 with a request that the petitioners, as legal heirs of Late Phanindra Gayari were entitled to get all financial benefits accrued at the death of their father and mother including the family pension and when all these steps proved futile and the applicants filed Writ Petition No. W. P. (C) No. 1214 of 2001 and the Hon'ble Court after hearing ordered on 28.2.2001 to approach this Hon'ble Tribunal as this Hon'ble Tribunal has the jurisdiction in the matter of claiming service benefits from the Railways in respect of their father or mother under the provision of Section 14 of the C.A.T.

7. Matters not previously filed or pending with any other Court :

The applicants further declare that they have not filed any other application before any authority except those mentioned in this application.

8. Relief Sought :

The applicants pray that -

1. The balance of Salary after the date of Suspension in 1978 to the date of death i.e. 28.01.1990.
2. The family pension to widow of Late Phanindra Gayari from the date of death of employee ( on 28.1.90 ) to the date of death of widow Mini Gayari on 15.12.1995.

(Case No. 15151)

3. The family pension to other legal heirs of Late Phanindra Gayari after the death of his widow on 15.12.1995.

4. The super-annuation benefits viz. P. F., Gratuity, G.S.L.I. if any etc. etc.

9. Interim Order prayed for :  
As the matter is long pending since 26.5.1994 ( date of judgement ) and no informations from the respondents side was made to the legal heirs of the deceased employee the lump-sum on account payment of Rs.50,000/- may please be ordered to the respondents which may be adjusted from the Super-annuation benefits of the employees.

10. The Application is filed through Advocate :

11. Particulars of I.P.O. : N.O. 6G 792219 dated 10.4.2001 for Rs 50/- purchased from Gomath G.P.O.

12. List of Enclosures :  
As stated in the Index.

VERIFICATION

I, Juna Gayari ( Biswas ), wife of Sri Kanai Biswas, aged about 30 years, by occupation Housewife, resident of Bongaigaon Town, P.O. , P.S. and District Bongaigaon do hereby ~~do~~ verify and state that -

1. I am the applicant number 1 and I have been entrusted by the other applicants to look after the case on their behalf and I further verify and declare that the contents of paragraphs 1 to 12 of the Application are true to my knowledge and those made in the rest are my humble submissions before this Hon'ble Tribunal and I have not suppressed any material facts.

*Juna Gayari (Biswas)*

Date :

Signature of the Applicant

Place :

11  
22

ANNEXURE - I

Swapan Kumar Dutta  
Advocate  
Bongaigaon District Court

STD : 03664  
Residence : 22036  
Bar Association : 23084

Residence :-  
Netajinagar  
P.O. & Dist. Bongaigaon  
(Assam) Pin-783380

REGISTERED WITH ACK. DUE

Date : 30. 6. 2000

To  
The Divisional Security Commissioner  
Railway Protection Force  
N. F. Railway, Alipurduar Junction  
(Office of the Divisional Railway Manager )  
P.O. Alipurduar Junction  
Distt. : Jalpaiguri (West Bengal)

Sub-107/1/2000 (Copy)

Sub : Legal Notice

Sir,

Under the instructions from my clients Smt. Juna Gayari (Biswas), D/O. Late Phanindra Gayari, ( Wife of Shri Kanai Biswas), Shri Manoj Gayari, S/O. Late Phanindra Gayari and Smt. Seema Gayari, D/O. Late Phanindra Gayari all are residents of Bongaigaon Town, under P.S. & P.O. Bongaigaon, Distt. Bongaigaon, (Assam). I do hereby like to give you this notice as under :-

That the father of my above-named clients Phanindra Gayari ( since deceased ) was Head Constable under IPF, RPF, Alipurduar Junction and posted under Alipurduar RPF Post on 2.6.78, while he was posted at Alipurduar RPF Post in the capacity of Head Constable was arrested alongwith other RPF staff on 3.6.78 by GRP, Alipurduar Junction in connection with G. R. Case No. 640/78 and produced before the Ld. Sub-Divisional Judicial Magistrate (SDJM), Alipurduar on 3.6.78.

*Certified to be  
true copy.  
M/s. (P. Sankar)  
(Attn: G. S. Sankar)*

That consequent to his arrest, he was placed under suspension and faced the trial before the Ld. Sub-Divisional Judicial Magistrate Alipurduar.

-2-

(Sister) Sunita Jaiswal

In this connection, it is relevant to mention here that the O/C, GRPS, Alipurduar Junction had submitted Charge-sheet before the Ld. S.D.J.M., Alipurduar vide Charge-sheet No. 10 dated 6.10.78 in reference to First Information No. 2 dt. 2.6.78 in connection with above referred G. R. Case No. 640/78, against R.K., Naren Baishya, RK. Ramesh Chandra Das, SRK Phanindra Gayari, RK Rambali Rabi Das and S.R.K. Sunil Bhowmick.

That during trial the father of my clients Phanindra Gayari expired on 28.1.90. And consequent whereof the case against him had been abated vide order dt. 1.2.93 passed by the Ld. S.D.J.M., Alipurduar in the above referred case. In this context, I like to refer the order dt. 15.9.92, 12.11.92 and 1.2.93 and the Death Certificate so issued by the Registrar of Birth and Death, Kokrajhar.

I am to mention here that I am enclosing herewith the Photostat copy of certified copy of the entire order sheet including the Judgement and Charge-sheet of G.R. Case No. 640/78 totalling to 39 pages and the photostat copy of Death Certificate of Phanindra Gayari as ready reference for your kind perusal.

I am to intimate here further that after the death of Phanindra Gayari, ex. Head Constable, the father of my abovenamed clients, the case against him has abated vide order dt. 1.2.93 and subsequently all the co-accused persons were acquitted vide Judgement and Order dated 26.5.94 passed by Sri Narendra Rai, Ld. Judicial Magistrate, 1st Class, Alipurduar. In the Judgement Ld. Magistrate held and observed that during trial the accused Phanindra Gayari expired and the trial proceed against other four Constables accused under Section 461/379 IPC and all of them acquitted, since nothing has been found against them.

*Certified to be true  
M/S. B. Senkan  
(Signature)*

- 3 -

Hence, the father of my clients being co-accuseds with ~~Naren~~ Naren Baishya, Ramesh Ch. Das, Rambali Rabi Das and Sunil Bhownick, who were charge-sheeted and faced trial and ultimately acquitted as innocent and found not guilty against charge-sheet so submitted against them, so I am to mention that the father of my clients Late Phanindra Gayari, Ex.: Head Constable under R.P.F. Post, Alipurduar Junction was also an innocent!

Since, said Phanindra Gayari was under suspension at the time of his death due to the pendency of GR Case No. 640/78, so no final settlement of dues accrued at his death was released to the family member / wife of the deceased Phanindra Gayari by the Railway administration.

That it is further relevant to mention here that the wife of the deceased Phanindra Gayari and mother of my above-named clients Mina Gayari expired on 15.12.95 at Dr. B. Barooah Cancer Institute, Guwahati as she was treated there.

The photostat copies of Medical Report and the Death Certificate issued by the concerned Doctor countersigned by Superintendent (Admn.), Dr. B. Barooah Cancer Institute, Guwahati are enclosed herewith this Notice as ready reference for your kind perusal.

That at the death of the wife of Lt. Phanindra Gayari on 15.12.95 my above-named clients being the legal heirs of their deceased father ( Phanindra Gayari ) entitled to all the financial benefits accrued at the death of their father and mother including the arrear family pension with effect from 28.1.90 i.e. the date of death of Phanindra Gayari to 15.12.95 the date of death of their mother Mina Gayari!

Certified to be  
true copy  
Miss. B. Sankar  
(Atreya)

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Certified by  
S. K. Dutta

- A -

Now, I at the instance of my above-named clients like to request you to re-open the final settlement case / file of Late Phanindra Gayari, Ex. Head Constable under IPF, RPF, Alipurduar Junction and to intimate me about the quantum of financial benefit accrued at his death headwise including the accrued Family Pension with effect from 28.1.90 to 15.12.95 with a further intimation, what steps to be taken by my above-named clients to enable them to get the aforesaid accrued financial benefits at the death of their father ( Late Phanindra Gayari ) , within a period of 15 (Fifteen) days from the date of receipt of this Legal Notice.

Your early action in this regard is highly solicited.

Yours faithfully,

Sd/- Swapan Kumar Dutta  
30/6/2000  
( S. K. Dutta )  
Advocate

Enclo : As above. i.e.

1. The photostat copy of certified copy of the entire order sheet, Judgement, Charge-sheet of G.R. Case No. 640/78 tried by the Ld. S.D.J.M., Alipurduar in 39 pages.
2. Photostat copy of Death Certificate of Phanindra Gayari, issued by the Registrar Birth & Death, Kokrajhar in 1 page.
3. Photostat copy of Medical Report & Death Certificate of Smt. Mina Gayari issued by concerned Doctor of Dr. B. Barooah Cancer Institute, countersigned by Superintendent (Admn.) of said Cancer Institute in 3 pages.

Copy of :-

1. The Chief Security Commissioner N. F. Rly./Maligaon, Guwahati-11
2. The Chief Personnel Officer N. F. Rly / Maligaon, Guwahati-11
3. The Divisional Personnel Officer N.F.Rly/Alipurduar Junction

for kind information and immediate action please.

Sd/- Swapan Kumar Dutta  
30/6/2000  
( S. K. Dutta )  
Advocate

Certified to  
S. K. Dutta  
30/6/2000  
S. K. Dutta  
Advocate

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ANNEXURE-II

Swapan Kumar Dutta  
Advocate  
Bongaigaon District Court

STD : 03664

Residence : 22036

Bar Association : 23084

Residence :-  
Netajinagar  
P.O. & Dist. Bongaigaon  
(Assam) Pin- 783380

Regd. with A/D

Date : 12.8.2000

To  
The Chief Security Commissioner  
Railway Protection Force  
N. F. Rly., Maligaon  
Guwahati-11

Sub : Legal Notice

Ref : My earlier legal notice dtd. 30.6.2000  
addressed to Divisional Security Commissioner,  
R.P.F., N. F. Rly., Alipurduar Junction  
copy of which docketed to you.

Sir,

Under the instructions from my client, Smt. Juna Gayari  
(Biswas), daughter of Late Phanindra Gayari, Sri Manoj Gayari,  
son of Late Phanindra Gayari and Smt. Seema Gayari, daughter of  
Late Phanindra Gayari, all are residents of Bongaigaon Town,  
under P.O. & Dist. Bongaigaon, Assam, I do hereby like to intima-  
te you once again as under :

That, prior to this on 30.6.2000, I at the instance of my  
above named clients, served a Legal Notice under Registered  
Cover with acknowledgement due, to the Divisional Security  
Commissioner, R.P.F., Alipurduar Junction, requesting therein  
to reopen the final settlement case / file of Late Phanindra  
Gayari, Ex-Head Constable under 1PF, RPF, Alipurduar Junction  
and to intimate me being their appointed Advocate, about the  
financial benefits accrued at the death of said Head Constable,  
Phanindra Gayari, as headwise including the accrued family  
pension w.e.f. 28.1.90 to 15.12.95 with a further intimation  
to me that what steps to be taken by my above-named clients to  
enable them to get the accrued financial benefits at the  
death of their father, Late Phanindra Gayari. I have requested

*Certified to be  
true copy  
Smt. B. Sankar  
(Advocate)*

- 2 -

in the aforesaid letter / Notice to intimate the facts within 15 (fifteen) days from the date of receipt of the aforesaid notice. The copy of the said notice was also docketed to you under Registered Cover for your kind information and immediate necessary action.

In this context I like to mention that in the aforesaid legal notice I have enclosed photostat copy of the Certified Copy of entire order sheet, judgement, charge-sheet of G.R. Case No. 640/78 tried by the Ld. Sub-Divisional Judicial Magistrate Alipurduar in 39 pages, that apart I also enclosed the photostat copy of Death Certificate of Phanindra Gayari and Medical Report and Death Certificate of Mina Gayari, Wife of said Late Phanindra Gayari. It appears from the record available that the said notice was received by the office of the concerned Divisional Security Commissioner, RPF, Alipurduar Junction on 7.7.2000 and the copy of the same was also received by your office on 3.7.2000 but no action in replying the same has been taken by the concerned Divisional Security Commissioner till date.

So, I at the instance of my client like to request you kindly to intervene personally in the matter and to take necessary action in view of my earlier notice dtd. 30.6.2000 to enable the legal heirs of the deceased Head Constable Phanindra Gayari to get the financial benefits accrued at the death of their father.

I am enclosing herewith further the photostat copy of the certified copy of entire order sheet, Judgement, Charge-sheet of G. R. Case No. 640/78 tried by the Ld. S.D.J.M., Alipurduar in 39 pages for your ready reference and kind perusal to ascertain that the case against the deceased Phanindra Gayari abated vide order dtd. 1.2.93 and subsequently all the co-accused persons were acquitted vide order and Judgement dtd. 26.5.94 passed by the Ld. Judicial Magistrate, 1st Class, Alipurduar. In the Judgement

Certified to be  
true copy  
MISS. P. S. SARKAR  
C.A.L.

(RECEIVED)  
RECEIVED  
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Ld. Magistrate held and observed that during trial the accused Phanindra Gayari expired and the trial proceeds against other four Constables accused u/s. 461/379 I.P.C. and all of them acquitted since nothing has been found against them.

In view of the above, I at the instance of my clients, once again like to request you to re-open the financial settlement case file of Late Phanindra Gayari, ex-Head Constable under IPF, RPF, Alipurduar Junction and / or to instruct the Divisional Security Commissioner, Alipurduar Junction to that effect with an intimation to undersigned about the development within a period of 15 (fifteen) days from the date of receipt of this Legal Notice.

Your early positive action in this regard, is highly solicited.

Yours faithfully,

Sd/- Swapan Kumar Dutta  
12/8/2000

( S. K. Dutta )  
Advocate

Enclosed : As mentioned above

Copy to :-

1. The General Manager  
N. F. Rly., Maligaon, Guwahati-11 for kind information.
2. The Divisional Security Commissioner  
RPF, Alipurduar Junction for information and necessary action please.

Sd/- Swapan Kumar Dutta  
12/8/2000  
( S. K. Dutta )  
Advocate

Certified to be  
true copy  
Sankar  
Miss. B. D. Sarker  
Case No. 17

Date of application for the copy	Date fixed for notifying the require Stamp & Folio	Date of delivery of requisite Stamp & Folios	Date on which the copy was ready to delivery	Date of making over the copy to the applicant
7.3.2001	8.3.2001	8.3.2001	8.3.2001	8.3.2001

## IN THE GAUHATI HIGH COURT

( THE HIGH COURT OF ASSAM NAGALAND MEGHALAYA MANIPUR TRIPURA MIZORAM &amp; ARUNACHAL PRADESH )

W. P. (C) NO. 1214/2001

1. Shrimati Juna Gayari ( Biswas)  
wife of Shri Kanai Biswas
2. Shrimati Seema Gayari ( Agarwalla )  
wife of Sri Kamal Agarwalla
3. Shri Manoj Gayari
4. Shri Raju Kumar Gayari

Nos. 1 & 2 are married daughters and Nos. 3 & 4  
are sons of Late Phanindra Gayari

All are residents of Bongaigaon Town (Assam).

....

Petitioner.

## - Versus -

1. Union of India, New Delhi  
represented by the General Manager  
N. F. Railway, Maligaon, Guwahati-11
2. The Chief Security Commissioner  
Railway Protection Force  
N. F. Railway, Guwahati-11
3. The Chief Personnel Officer  
N. F. Railway, Maligaon, Guwahati-11
4. The Divisional Security Officer, RPF  
C/O. Office of the D.R.M. Alipurduar Junction  
P.O. Alipurduar, Dist. Jalpaiguri (West Bengal)
5. The Divisional Personnel Officer  
C/O. Office of the D.R.M. Alipurduar Junction  
P.O. Alipurduar, Dist. Jalpaiguri  
(West Bengal)

... Respondent(s)

*Certified to be  
done copy  
Miss. B. Sankar  
(Auroreale)*

- 2 -

PRESENT  
THE HON'BLE MR. JUSTICE P. G. AGARWAL

FOR THE PETITIONER : Mr. S. S. Sharma

Mr. D. K. Bhatra

Mr. K. K. Bhatra

Mr. R. K. Bhatra, Advs.

FOR THE RESPONDENTS : Union of India

28.2.2001

ORDER

Petitioners before me are claiming service benefits from the Railways in respect of their father or mother. In view of the provision of Section 14 of the Central Administrative Tribunal Act, the C.A.T. has the jurisdiction in the matter. The petitioner shall approach the Central Administrative Tribunal.

Sd/- P. G. AGARWAL  
JUDGE

Certified to be  
true copy  
Miss. B. S. Sengar  
(A.D. no. 912)

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ANNEXURE-IV

( Translated from Bengali to English )

JUDICIAL MAGISTRATE, FIRST COURT  
ALIPURDUAR, DISTRICT : JALPAIGURI

G. R. Case No. 640 of 1978

STATE - Versus - R. B. Das & Ors.

Section - Sections 461/379 I.P.C.

JUDGEMENT

Allegations against the accused is that Railway Wagon No. NEC 52622 containing 172 bags of Sugar stood parked at Alipurduar Junction, A.S.I. Paritosh Mukherjee found that the said wagon on 01.06.1978 on line no. 22. He found that the seals of the wagon were unauthorisedly tampered with. He examined the wagon and put protection seal. Later on Parash Chandra Roy informed that protection seal, tampered seal and intact seals have been lost. Protection seal was again put on wagon. Rambali Rabi Das ( Constable confessed that the said sugar from the wagon was stolen by Naren Baishya, Ramesh Das and Phanindra Gayari. On completion of investigation, chargesheet was filed against constables Naren Baishya, Ramesh Das, Phanindra Gayari, Ram Bali Das & Sunil Bhowmik.

During pendency of case, accused Phanindra Gayari died. Case is pending against remaining 4 accused under Sec. 461/379 I.P.C.

Upon completion of evidence for prosecution, examination of accused under Sec. 313 Cr. P.C. was taken. All claimed themselves innocent but declined to adduce any evidence.

POINTS FOR DETERMINATION

1. Whether the accused broken the Wagon No. NEC 52622 with some illegal motive ?
2. Whether the accused stole 7 bags of sugar from the said wagon?

Certified to  
Miss. B. S. Sarker  
(A. J. D.)

STATE OF JALPAIGURI

## JUDGMENT WITH REASON

Let me say at the beginning that in the case the I.O. has not been examined.

Witness No. 1 for prosecution states that he found wagon No. NEC 52622 in Yard No. 12. He suspected that seals and labels of the said wagon were unauthorisedly tampered with. Inspector came on the spot and checked. Then one working sepoy said that protections seal and tampered seal were removed. They went to Junction to investigate but did not find anything.

Witness No. 2 also gave like manner evidence.

Witness No. 3 said that on 30.05.78, accused Naren Baishya, Ramesh Das, Rambali Ravi Das were on duty. Duty of Naren Das and Ramesh Das was assigned from 2 to 10. Rambali Ravi Das was assigned to come in their place from 10. On 01.06.78, he got the information at 4.30 A.M. that there is some problem in respect of one wagon having sugar. He went there and during investigation found that sealing tape was put again cleverly. He detained wagon after putting protection seal for investigation. Later on, the very day he found that protection seal was removed. He again put protection seal on 02.06.78, inventory was carried out to find the truth and 7 bags of sugar were found short. Then Rambali Ravi Das said that Naren Baishya, Ramesh Das, Phanindra Gayari, Sunil Bhowmik and other 2-3 persons stole the sugar. He recorded their statements and gave it to O.C. GRP, Alipurduar Junction for investigation.

The statement given by Rambali Ravi Das to witness No. 3 was not exhibited in court. Besides that no other evidence is found against accused. As the accused were only on duty at that time, suspicion arose that they were involved in the said theft.

Certified to be  
true copy  
Miss. B. Senter  
(Alwocafe)

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But suspicion however big can not take the place of evidence.

It is correct that accused are guilty of dereliction of their duty. For that the railway department can initiate departmental proceedings.

By considering the evidence and case, I find that the accused Rambali Ravi Das, Sunil Bhowmik are not found guilty of offences under Sec. 461/379 I.P.C. They are acquitted as not guilty under Sec. 248(1) Cr.P.C. and their bail bonds are discharged.

Prosecution side has not been able to prove any case against the accused. Hence, I hereby give the order.

ORDER

Accused Naren Baishya, Ramesh Das, Rambali Ravi Das & Sunil Bhowmik are not found guilty under Sec 461/379 I.P.C. Accused are declared as innocent and acquitted under Sec. 248(1) Cr.P.C. and their bail bonds are discharged.

Sd/- Narendra Rai  
1st Class Judicial Magistrate  
Alipurduar 26.05.94

Certified to be  
Miss. B. Sonkar  
Colveree

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केन्द्रीय नियन्त्रित न्यायालय	Central Admin. - Judicial
13 NOV 2001	
गুৱাহাটী ন্যায়ালয়	
Guwahati Bench	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

IN THE MATTER OF :

O.A. No. 153 OF 2001

Smt. Juna Gayari (Biswas) & Ors.

..... Applicants.  
- Vs -

Union of India & Ors.

..... Respondents.

- AND -

IN THE MATTER OF :

Written Statement for and on behalf  
of the respondents.

The respondents most respectfully beg to sheweth  
as under :

1. That, the answering respondents have gone through the copy of the application filed by the applicants and have understood the contents thereof.
2. That, save and except those statements of the applicants which are specifically admitted herein below or which are borne on records, all other averments/statements as made in the different paragraphs of the Application are denied herewith, and the Applicants are put to strictest proof thereof.

Filed by :  
Sukumar SenGupta  
Dailying Advocate  
Guwahati  
13.11.2001

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B. D. Sen  
Sukumar SenGupta  
Dailying Advocate  
Guwahati  
13.11.2001  
C. P. Railway/Alipurduar, Jr.

3. That, the Applicants have got no valid cause of action or right for filing the Application.

4. That, for sake of brevity, the respondents have been advised to confine their reply only on those averments/points of the Application which are relevant and material for a proper decision in the case, without admitting the correctness of the other statements/averments in the Application. All other allegations/averments in the Application to the contrary are also denied here-with and the Applicants are put to strictest proof thereof.

4. That, the Applicants have not submitted any authentic documents etc. to establish and prove as to how they only can claim any amount, as real successor of the late Phanindra - Gayari, ex. SRK/N.F. Railway, Alipurduar Junction, As such the Applicants right to sue have not been established and hence this cannot be accepted.

5. That, the Application is barred under law of limitation and section 21 of the Central Administrative Tribunal Act.

6. That, the case suffers for want of valid cause of action and mis-representation of facts/suppression of facts etc. Late Phanindra Gayari was removed from railway service much earlier (on 2.8.1978) in a separate charge ( due to unauthorised absence from 29.4.78 etc.) which was not connected with the Criminal Case as mentioned in the Application.

7. That, the case is fit one to be dismissed in limine.

8. That, with regard to averments at paragraph 4(a), 4(b) and 4(c) of the Application it is submitted that except those which are borne on records all other averments in these paragraphs are denied herewith and Applicants are put to strictest proof of such statements. It is also denied that any actions, as alleged, were taken at the instance of any over jealous officers or there has been any jealousy or conspiracy at all etc as alleged or any trial of late Gayari took place before the Magistrate when the Criminal Case was processed.

9. That, with regard to averments at paragraph 4(d) 4(e), 4(f), 4(g) and 4(h) of the Application it is submitted that nothing are accepted except those which are borne on records and the Applicants are put to strictest proof of those statements which are contrary to above. It is submit herein that question of extending pensionary benefits etc can arise only when such benefits are admissible under extant rules and on the basis of the fact of the case. The present case did not fall within the purview of the extant rules/laws. It is not a fact that all the accused R.P.F. ( Railway Protection Force ) personnel were re-instated in service. Two of them only could be re-instated on consideration of records and facts of the cases etc. It is to mention herein that late Phanindra-Gayari was already removed from railway service under Assistant Security Officer, Alipurduar Junctions letter No. AP/PRO-

absent from duty with effect from 29.4.78 without authority and as such question of his entitlement to the service benefits consequent on the findings/decision of the Criminal Case did not arise and there had been no such representations either in either from 1978 or from 1990 as also appears from the Applicants own submission about issuing notices on 30.6.2000 and 12.9.2000 as mentioned in paragraph 4(g) of the Application. It is also emphatically denied that the Applicants made repeated requests to the offices of the respondent Nos. 4 and 5 ( i.e. Divisional Secuirty Commissioner, Alipurduar Junction and the Divisional Personal Officer, Alipurduar Junction ).

It is submitted, that the Applicants have now come up with stale claim by fabricating some stories which are not true, with motive to gain and pass over the hurdle of limitation bar.

10. That, as regards the grounds of relief as stated at paragraph 5 of the Application, it is submitted that these are not valid, legal and proper under laws, rules and fact of the case and hence are not admitted. All the points raised by the Applicants have been elaborately dealt with and answered in the foregoing paragraphs of the written statement and calls for no further repetition.

In this connection it is pertinent to mention here in the following facts for kind perusal and information of the Hon'ble Tribunal.

Late Panindra Gayari (alias Phanindra Gayari ) was appointed in the Railways as Rakshak in the Railway Protection

Railway Protection Force, N.F. Railway in the year 1966 on 8.7.66. While in service the staff was arrested on 3.6.78 in connection with G.R.Ps Case No.2(6) 78 u/s 379/461 I.P.C. (Criminal Case No. 640/78) and he was released on bail on 8.6.78.

In G.R. Case No. 640 of 1978 before SDJM ( Sub-Divisional Judicial Magistrate) a charge sheet no. 10 dated 10.6.78 was issued against Sri Gayari and 4 other R.P.F. staff namely : S/Shri

1. Ram Bali Rabi Das.
2. Ramesh Ch. Das.
3. Naren Baishya .
4. Sunil Deb Bhowmik.

From the Judgement of the Hon'ble Judicial Magistrate dated 26.5.94, a copy of which has been annexed by the Applicants as Annexure XV to the Application, it transpires that accused Phanindra Gayari died during the pendency of the case and this case proceeded against remaining 4 accused u/s 461/379 I.P.C. and all the 4 accused were examined under Section 313 Cr.P.C. and after trial these 4 accused were acquitted u/s. 248(1) Cr.P.C. But prior to the arrest of Shri P. Gayari by O.C./G.R.P/Alipurduar Jn, the late Phanindra Gayari, Rakshak, R.P.F./Alipurduar Jn., he was issued with a departmental charge sheet No. AP/Pre (Loose)/44/78 dated 1.6.78 for the following charge -

" He is remaining absent from duty w.e.f.

29.4.78 without any authority "

on the following grounds :

ANNUAL 3-6-78

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B  
Civil Security Commissioner  
G.R.P/Alipurduar Jn.

-6-

\*Sri Phanindra Gayari while functioning as SRK/APDJ(P) Coy was spared to avail 5 days LAP w.e.f.

24.4.78 which he failed and remain absent without any authority".

As Sri Gayari did not Co-operate with the enquiry officer in conducting D.A.R. enquiries, an exparte decision had to be taken by the disciplinary authority. Before passing the final order of removal on 2.8.78 Sri Gayari was given reasonable facilities and also was allowed to be heard in person and after that only the final order was passed on 2.8.78 by A.S.O/Alipurduar Junction holding him guilty of the charge. Sri Gayari was thus removed from service on 2.8.78 i.e. about 12 years back from the date of his death on 28.1.90 (date as submitted by the Applicants) and the Criminal case has been disposed of on 26.5.94.

Thus, it is well apperent that Sri Gayari rendered about 12 years actual service on the railways prior to his removal from service on the ground of unauthorised absence, and the Applicants are not entitled to pensionary benefits etc for the period of service rendered by late P. Gayari, since Shri Gayari was removed from service on a seperate departmental charge after departmental proceeding drawn against him and ~~xxx~~ concluded on 2.8.1978 and not connected with the G.R. Case No. 640 of 1978 before S.D.J.M/Alipurduar Junction.

Photo Copies of the Opening page of his Service Book showing his name as Panendra Deyari, Appointment letter No. 6/227/ AP/1666 dated 28.9.65, letter No. AP/ PF-2/66 dated 8.7.66 showing joining of Staff on 8.7.66 and his removal order dated 2.8.78 are annexed hereto as Annexures A; B, C, and D respectively for ready perusal.

29  
SRI GAYARI  
Civil Security Commission  
गृह सुरक्षा आयोग  
Railways (Purulia)

11. That, with regard to averments at paragraph 6 of the Application it is submitted that except those which are borne on records all other averments of the applicants are hereby denied. The contention of the Applicant regarding request/repeated requests etc. are not correct and hence are emphatically denied herewith.

Further, as submitted herein before Sri Gayari was removed from service much earlier on separate charge which was not connected with the Criminal Case as contended by the Applicants and hence the question of paying final settlement dues for the death of an employee does not arise. However, the F.S. dues ( i.e. Final Settlement ) dues as payable under rules was paid to Shri Gayari as is done in all cases of staff removed from service.

12. That, with regard to averments at paragraph 8 of the Application through which relief sought and prayed for, it is submitted that the merit of the case does not deserve for grant of any relief as prayed for by the Applicants. In this connection the following remarks/replies are submitted below in Serialism :

(i) Item 1. -there is nothing on record that Shri Phanindra Gayari was under suspension in 1978 to date of his death i.e. 28.1.90. and as such question of paying salary/ suspension allowances etc. or regularisation of the period of absence from 1978 to 1990 does not arise.

(ii) Items 2 & 3- Pension/family pension are based on the ~~set~~ set rules governing grant of Pensions etc. Sri P. Gayaris' service fell short of required qualifying service period . As he was removed from service in 1978 question grant of pension to him or to his wife <sup>etc</sup> did not arise under the fact of the case as also under the rules / law in force.

In view of above, no family pension to his wife and to any other legal heirs of late Phanindra Gayari after the death of the widow on 15.12.95 arises.

(iii) Item 4- As stated herein above, the necessary final settlement dues consequent on removal of Shri P. Gayari from service, has already been paid and nothing more appeared to be due to the party/parties on <sup>a</sup>some account.

13. That, with regard to averments at paragraph 9 of the Application, it is submitted that in view of the fact and merit of the case no interim relief as prayed for by the Applicants are payable and the claim of the Applicants is denied herewith.

14. That, it is submitted that, all the actions taken in the case are quite in consonance to the extant rules and orders on the subject and are quite legal, valid and proper.

31-

Mr. P. H. Sawyer  
100. Second Company Commanders  
The First Legion

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15. That, the respondents crave leave of the Hon'ble Tribunal to permit them to file additional written statements, if found necessary, for ends of Justice.

16. That, under the facts and circumstances of the case as stated in foregoing paragraphs, the instant application is not maintainable either on fact or on law and it is liable to be dismissed.

### Verification.....

## VERIFICATION

I, Sri Balaram Singh son of  
late M.K. Singh aged about 57 years, by occupation,  
Railway Service, now working as Divisional Security  
Commissioner Alipurduar N.F. Railway do hereby solemnly affirm  
and state that the statements made at paragraphs 1 and  
2 are true to my knowledge and those made in paragraphs  
are matters of records of the case  
which I believe to be true and the rest are my humble  
submissions before the Hon'ble Tribunal and I sign this  
verification on this 29<sup>th</sup> day of September 2001.

*B.R. Seel*  
29/10  
Divisional Security Commissioner  
Alipurduar Junction Division  
N.F. Railway,  
Alipurduar Junction  
for and on behalf of the Respondent  
मैला बालराम सिंह  
Div. Security Commissioner  
पू.सी. रेलवे अलिपुरदुर ब.  
N. F. Railw. Alipurduar J.

प्रमाणित दस्तावेज़  
Div. Security Commissioner  
पू.सी. रेलवे अलिपुरदुर ब.  
N. F. Railw. Alipurduar J.

SERVICE BOOK  
(OPENING PAGE)

Name in full (Block Capitals) PANINDRA GAYARI

Father's Name S'r Kulan Gayari

Nationality/Caste/Religion

Sudra | (S/ Tribe)

Domicile as established

Residence (in full) Vill.: Belguin b. Kokrajhar Dt: Goalpara  
(Assam)

Date of birth 24.4.43.

Place of birth Belguin

District Goalpara.

Educational qualification X

(1) one mark on left hand  
(2) one mark on right hand.

Left hand thumb and finger impression

P.F. ofc No. - 110173

P.F. ofc no. 110173 recorded  
in this S/Book as per D.O.I. Reg's  
letter APD/PP/1502/180dt: 2-7-76  
letter Regt in file at SN-236

Little finger

110173

Ring finger

Middle finger

Fore finger

Height

inches

Signature of the Servant:

Assistant Security Officer  
N.P. Ry - APDI

Signature and designation of  
the Head of the office or  
other Attesting Officer.

The entries on this page should be renewed or re-attested at least every five years, and the signature in lines 12 and 13  
should be dated.

Finger prints need not be taken afresh every five years under this rule.

## NORTHERN FRONTIER POLY.

Office of the  
Asstt. Security Officer/ APDO.

Dated :- 28/4/66

No. B/227/AP/1666

To  
Encl. Training Centre

1. You are hereby provisionally appointed as temporary probationer Rakshak on a stipend of Rs. 70-35/- plus dearness allowance as admissible under rules of R.P.M.L. Protection Form subject to your passing the prescribed training for Rakshak.

2. In case you fail to qualify in the training you will be under the rule on notice for termination for your service will be served.

3. You are directed to report to \_\_\_\_\_ vice vacancy subject to termination of your service without notice in the event of:

(a) Return of permanent in-service from leave, expiry of temporary sanction of the post in which you are appointed by mental or physical incapacity of your gross misconduct.

(b) If the termination of service in the interest of other causes you will be entitled to a notice of 10 days in lieu of thereof on their arrival. Your appointment is also subject to your character and antecedents by satisfactory verified by the Civil Authority and subject to Medically found fit.

4. You shall be liable under Raliway Security Force Discipline and appeal rules 56 & will be required to maintain a standard of discipline similar to the lines of Army Forces or Police.

5. You will be held responsible for the safety and care of Government money, goods and stores equipment and all other property that may be entrusted.

6. Your appointment will take effect from the date of your actually reported for duty.

7. You are to join on or before \_\_\_\_\_ & reported yourself before \_\_\_\_\_ on special duty and basic training. You must deposit Rs. 30/- Mess dues at Training Centre, Panipat.

Assistant Security Officer,  
Panipat Jn.

Copy to :- \_\_\_\_\_ for information &

(1) \_\_\_\_\_ necessary notice.  
 (2) Fa & CAG/AD for information.  
 (3) Central Stores/MSO (CSO/PNO).  
 (4) B/Fill.

Assistant Security Officer,  
Panipat Jn.

100-130

28

A.S. REC'D.

3

Shri - Gururaj Dutt  
 Asstt. S. S. P. M.  
 Gorakhpur

RE. - MARYLAND L. & G. I. P.  
 Dated 22-2-66

For representation to the  
 Government of India on the  
 subject of the 1966-67 budget  
 and the 1967-68 budget  
 for the period of 1967-68  
 from the 1st of April to the  
 31st of March.

With thanks for your representation

(Signature)  
 22-2-66  
 D. S. P. M. (S. S. P. M.)

✓307

36-  
47~~SECRET~~

14

On date SRI Phanindra Gavai appeared before me on being questioned SRI Gavai could not give any accurate account of his refusal to accept the ~~Inter-Service~~ Commission from 1/7/1978 and to submit his resignation to the same. He also could not give any satisfactory reason for his failure to appear before the ~~Inter-Service~~ Enquiry. He however admitted that on 27/7/78 he ~~had~~ ~~had~~ to accept the ~~Inter-Service~~ Commission presented to him by the I.P.P.

Since he was given all reasonable facilities to put his case and could be allowed to receive the witness and failed to submit his representation to the ~~Inter-Service~~ Commission the calculated period, it is clear that he has nothing to say in the matter to prove his ~~Inter-Service~~ Commission. He was not also able to comment on regarding his unauthorized absence from duty nor could he produce any documents in support of such unauthorized absence.

In view of the facts, I have come to the conclusion that he has nothing to represent. As the case is always evident and the ~~Inter-Service~~ Commission enquiry held to clear out the ~~Inter-Service~~ Commission.

I therefore, take the gravity of the charge and order that SRI Phanindra Gavai be removed from service with immediate effect.

G.S./-

ADD/1978

MOAP/Procedural/44/78

Dated

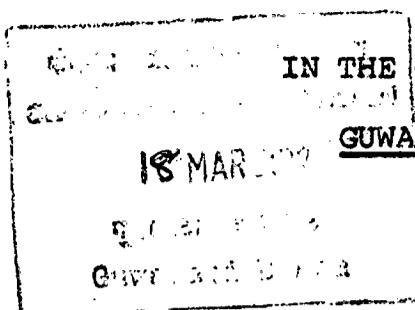
28

Copy to: 1) SRI Phanindra Gavai  
C/o SRI Kisan Goyari, Valsi Belgaum  
2) Smt. P.D. Kokkajam, Dist. Gadipura, Andhra  
3) ~~Inter-Service~~ Commission  
4) Copy of P.L. 16 and advance form are enclosed  
5) P.R. 16  
6) D.O. 16

2) ~~Inter-Service~~ Commission: A copy of the order to be issued on the Notice Board keeping necessary gravity and reference

*Subrata*  
28.7.78

ADD/1978



~~M.P. 50/2002~~

IN THE MATTER OF

O.A. NO. 153/2001

Smt. Juna Gayari ( Biswas ) & others

..... Applicants.

-Vs.-

Union of India & others

..... Respondents.

A N D

IN THE MATTER OF

Rejoinder on behalf of the Applicants :

The Applicants abovenamed most respectfully beg to submit as under :-

1. That on receipt of the Written Statement so filed on behalf of the Respondents, it appears that the Respondents contended in para 6 of Written Statement that Late Phanindra Gayari was removed from Railway service on 2.8.78 in a separate charge due to unauthorised absence from 29-4-78.

Contd.....P/2.

18/3/2002  
Smt. Juna Gayari ( Controvertist )  
Smt. Juna Gayari ( Party )  
Through  
Sapan Roy. Advocate -  
Applicants

18/3/2002

Court Order (General)

1978-5742/2007-CR

P.W.D. C.R. 1978

2. That in para 9 of the Written Statement, the Respondents also contended that all the accused RPF (Railway Protection Force) personals were not re-instated in service and mentioned that Late Phanindra Gayari, ~~Alipurduar Junction~~ was removed from service under Asstt. Security Officer, Alipurduar Junction's Letter No. AP/PRO-Loose/44/78 dtd. 2.8.78 ~~as~~ separate charge i.e. remaining <sup>-34</sup> absent from duty w.e.f. 29.4.78 without authority.

3. That the basic defence of the Respondents is that since Late Phanindra Gayari was allegedly terminated from his service on 2.8.78 in a separate charge, so question of getting his service benefits on the findings/decision of the criminal case does not arise.

In this context the applicants submit that the rejoinder in their original application in the following manner :-

i) That nothing in the copy of the order of alleged removal from service so submitted before the Hon'ble Tribunal goes to show that the order was ever communicated to the concerned employee (Phanindra Gayari) as no signature of Phanindra Gayari was obtained over the office copy of the order. Moreover no any acknowledgement of communication of the order by the employee ( Phanindra Gayari ) has been submitted before the Hon'ble Tribunal from which inference

( 3 )

can be drawn that Phanindra Gayari was terminated from service prior to initiation of Criminal Case ( G.R. No. 640/78 of the Court of SDJM, Alipurduar ).

ii) That no copy of alleged Departmental proceeding through which Phanindra Gayari was allegedly terminated from service has been submitted before the Hon'ble Tribunal. Unless the copy of the entire Departmental proceeding in original is submitted before the Hon'ble Tribunal to show and to ascertain that really the Departmental proceeding was conducted legally as per the provisions of law and the principle of natural justice was followed, the presumption regarding the alleged order/result of the alleged Departmental proceeding shall go against the Respondents, Union of India i.e. the N.F. Rly. Administration.

iii) That the Respondents have suppressed the real facts and also distorted the real facts, only to deprive the innocent legal heirs of the deceased Constable Phanindra Gayari causing wrongful loss to them and at the wrongful gain to the Rly. Administration.

iv) That the certified copy of the Order sheets of G.R. Case No. 640/78 of the Court of S.D.J.M., Alipurduar ~~Juncton~~, reference order <sup>dated</sup> 3.6.78 and 7.6.78 goes to show that Phanindra Gayari was serving as RPF Constable on 3.6.78 i.e. on the date of arrest, so question of his alleged illegal/unauthorised absence as claimed by the Respondents does not arise, as the fact is totally false and

( 4 )

baseless as the Respondents in ~~this~~ <sup>their</sup> allegation mentioned that Phanindra Gayari was absent unauthorisedly ~~for~~ from ~~the~~ duty w.e.f. 29.4.78 but the case record of G.R. Case No. 640/78 goes to show that Phanindra Gayari was arrested while he was posted as Constable ( S.R.K. ) of RPF Post, Alipurduar Junction on 3.6.78.

The order dtd. 3.6.78 to 7.6.78 of G.R. Case No. 640/78  
are reproduced as under :-

G.R. NO. 640/78

State ..... Versus ..... Ramesh Das & Ors.

Order No. & date :

1/3.6.78. Accds. (1) Rambali Rabir Das and (2) Fanindra  
Gayari, all of R.P.F. Post APD P.S. Alipurduar, Dist. Jalpaiguri  
brought under arrest by Apd. Jn. G.R.P.S. Police in this Case.  
Seen the FIR forwarding report and accd. Challan taken into  
custody.

To 5.6.78 for production. Seen the prayer of I.O.  
for recording confessional statement of accused Rambali Rabi Das.

The accused be kept in segregation in the J/C

Sd. Illegible,

S.D.J.M., Alipurduar

2/7.6.78. Accd. Rambali Rabi Das is produced today and on interrogation he declines to make any confessional statement.

To date.

Sd. Illegible,

S.D.J.M., Jalpaiguri.

Contd....p/5.

( 5 )

7.6.78. Bail Petition filed for the accd. Fanindra Gayari.  
To 21.6.78 for production of both the accused.

Considered the bail prayer for the accd. Phanindra Gayari, considered the petition of complaint filed by the inspector RPF addressed to O/C, G.R.P.S., Alipurduar Junction. Both the accd. persons are the RKS of the RPF. Let the accds may find bail of Rs. 1000/- with two sureties of Rs. 500/- each on condition to attend Alipurduar Rly. Station G.R.P.S. once on every day until further order. Sd. Illegible, SDJM, Apd.

4/Later. Bail bond furnished for the accused Rambali Rabi Das by two sureties and accepted.

Issue release Order.

Sd. Illegible.

S.D.J.M., Alipurduar.

V. That it appears from the order dtd. 7.6.78 so passed by the Ld. S.D.J.M, Alipurduar, the Ld. S.D.J.M. in allowing the Bail Petition of Phanindra Gayari considered the Petition of the complainant filed by the Inspector, RPF addressed to O.C., GRPS, Alipurduar Junction, which goes to show that the accused persons are the RKS of the RPF and accordingly considering that aspect the Ld. Court was pleased to allow the accused persons to go on bail. That apart, the certified copy of Chargesheet of G.R. Case No. 640/78 shows that on the date of occurrence of the alleged theft i.e. on the night of 30/31-5-78 Phanindra Gayari was serving as S.R.K at Alipurduar

Contd.....P/6.

( 6 )

( lassen (Basis 1975) )  
G. R. No. 640/78 (Contd. of lot)

0  
G. R. No. 640/78 (Contd. of lot)

63

Junction, The copy of the Charge- sheet is reproduced as under.

SEEN

SD. Illegible, SDJM, Apdr.

29.10.78.

G.R. No. 640/78

Charge Sheet

Charge Sheet No. 10 dated 6.10.78

In first information No. 2 dated 2.6.78.

District - Siliguri G.R.P.

Police Station - Alipurduar Jnc. G.R.P.S.

Date fixed for trial: To be fixed  
by the Court.

1. Name, address & occupation of complainant/Informant :

Shri S.B. Biswas, I.P.F. Alipurduar Jnc. G.R.P.F. Post

2. Name and address of accused persons not sent up for trial,  
whether ~~maxxxx~~ arrested or not arrested including  
absconders :

.... NIL ....

3. Names and addresses of accused persons sent up for trial :

In custody.

On bail or recognizance

1. R.K.Naren Baishya of Alipurduar R.P.F.  
Post.

Contd....P/7.

( 7 )

2. R.K. Romesh Chandra Das S/O Late Jiban Ch. Das  
Case by abated of do.  
vide Order dt. 1.2.93 ---- 3. S.R.K. Phanindra Goyari of do.

4. R.K.Rambali Rabi Das of do.

5. S.R.K. Sunil Bhowmick of do.

#### 4. Property :-

..... NIL .....

5. Names and addresses of Witnesses :-

1. Shri S.B. Biswas, I.P.F. of Alipurduar Jn., RPF Post.
2. R.K. Narchari Kakuli of do.
3. A.S.I. Paritosh Mukherjee of do.
4. R.K. Paresh ch. Rai of do.
5. A.SI./P.F. Sadananda Roy of do.
6. SIPF K.K. Sen of do.
7. S.I. K.P. Roy O/C Alipurduar Junction G.R.P.S.

The above noted witnesses may kindly be summoned.

6. Charge or information :-

The fact of the case in brief is that on 26.78 at 2300 hrs. S.B. Biswas I.P.F., Apd. Jn. handed over a Written complaint to the effect that on 27.3.78 at 21.00 hrs. Wagon No. NEC - 52622 containing sugar arrived at Apd. Jn. Yard by up 757 goods

Contd.....P/8.

( 8 )

have with covered condition and laying in the Yard on 1.6.78 at about 04.30 hrs the road duty R.P.F. A.S.I. found the above Wagon that the ..... scote door is tempered condition. He reported the fact to I.P.F. Ad.Jn. who visited and examined the seal and found tempered. Protectseal applied and kept for checking on 1.6.78 at 08.30 hrs. the protect seal including tempered seal found missing.

During enquiry it is disclosed by the R.K. Rambali Rabi Das that theft of sugar begs were committed by R.K. Naren Baisya, R.K. Romesh Das, S.R.K. Phanindra Goyari on the night of 30/31-5-78 while he went to later charge of his duty. The .... of the Wagon was checked and found 7 bags of sugar short. On this issue I started the case and took up investigation.

During investigation of the Case, I examined witnesses visited the P.O. etc. A prima facie case U/S 461/379 has been well proved against the accused persons noted in col-3. I consulted the case with my superior and P.P. Coach Behar who opined that to submit Charge Sheet against the person noted in Col.3,

So, I am submitting the C.S. against all the accused persons noted in col. 3 to stand their trial in the open Court of law. The witnesses may kindly be summoned.

Submitted,

Sd. Illegible, O/C Apd.Jn. G.R.P.S.

6.10.78.

Contd.....P/9.

From the above facts it goes to show that Phanindra Gayari was very much on duty as the date of alleged occurrence of theft i.e. 30/31-5-78 and also the date of arrest i.e. on 3.6.78 in the capacity of SRK ( Head Constable ) RPF, Alipurduar Junction, so the question of alleged unauthorised absence from service w.e.f. 29.4.78 does not arise.

vi. That to substantiate the version of the Respondents, the entire original record relating to the alleged Departmental proceeding in connection with removal of Phanindra Gayari from service, required to be proved before the Hon'ble Tribunal showing that the alleged enquiry was conducted properly by following the Rules and Regulations that too the same had not violated the Rule of Natural Justice.

vii. That the allegation and averments as made in para 10 of the Written Statement of the Respondents are false and baseless. The Department i.e. the Rly. Administration is required to prove the averments through cognate evidence that Phanindra Gayari was given proper chance under the arena of Natural Justice to defend the alleged Departmental proceeding that too his entire dues as admissible were paid to his as alleged. in para 11 of the Written Statement.

viii. That it is submitted that the Respondents to ~~not~~ avoid payment to the innocent legal heirs of the deceased employee Phanindra Gayari have taken the alleged concocted and fictitious pleas so that the innocent legal heirs may not be paid with their legal dues accrued at the death of their predecessor-in-interest Phanindra Gayari, the deceased employee of the Respondents' establishment.

( 10 )

It is therefore prayed that your Honour would be pleased enough to accept this rejoinder and further be pleased to pass such necessary order as your Honour deems fit and proper in rejecting the allegations of the Respondents in the interest of Justice.

## VERIFICATION

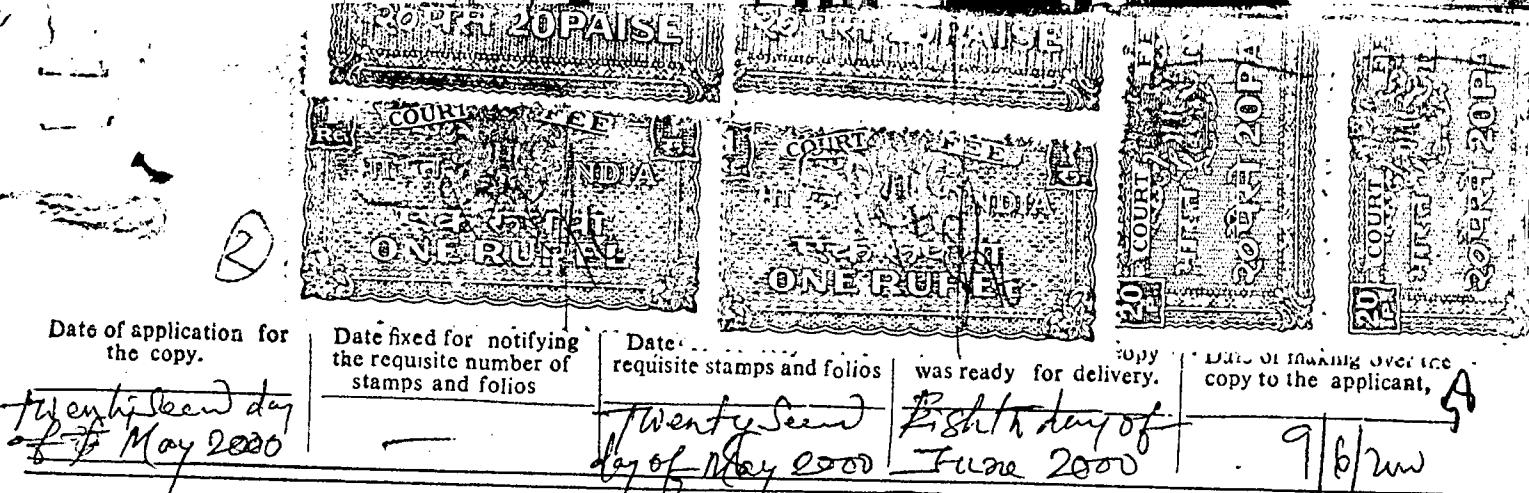
I Smt. Juna Gayari ( Biswas ) wife of Sri Kanai Biswas, by Occupation - Housewife, Resident of Bongaigaon Town, P.O., P.S. & Dist. Bongaigaon, Assam do hereby verify and state that I am the applicant No. 1 of the above original Application No. 153 of 2001, and I have been entrusted by the other applicants to look after the case on their behalf and I further verify and declare that the contents as made above in this rejoinder application are true to the best of my knowledge and belief and I have not suppressed any material facts therein.

Date : 16.3.2001

କ୍ଷେତ୍ର ପରିବାର-ପାତ୍ରାବଳୀ

Place : Bangalore

Signature of Applicant



Date of application for the copy.

Twenty second day  
of May 2000

Date fixed for notifying the requisite number of stamps and folios

Date...  
requisite stamps and folios

was ready for delivery.

Date of making over the copy to the applicant,

Twenty Second  
day of May 2000

Eight day of  
June 2000

9/6/2000

copy for the Respondent

### ORDER-SHEET

In the Court of the S.D.J.M., Jalpaiguri.

G.R.No. 640/78

State.....Versus.....Ramesh Das & ors.

Order No. & date :

1/3.6.78. Accds. (1) Rambali Rabi Das and (2) Phanindra Gayari, all of R.P.F. Post APD P.S. Alipurduar, Dist. Jalpaiguri brought under arrest by Apd.Jn.G.R.P.S. Police in this case. Seen the FIR forwarding report and accd. Challan taken into custody.

To 5.6.78 for production. Seen the prayer of I.O. for recording confessional statement of accused Rambali Rabi Das. The accused be kept in segregation in the J/c

8.4.82.

Sd. Illegible, ✓

S.D.J.M., ~~Alipurduar~~ Alipurduar

2/9.6.78. Accd. Rambali Rabi Das is produced today and on interrogation he declines to make any confessional statement.

To date.

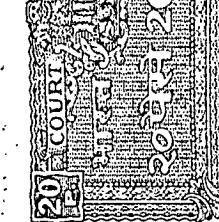
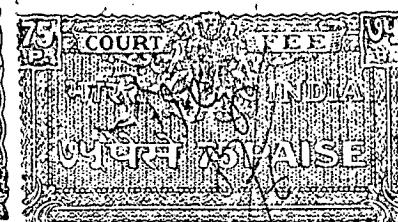
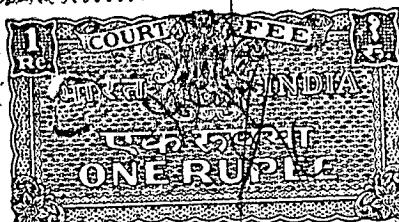
Sd. Illegible,

S.D.J.M., Jalpaiguri.

7.6.78. Bail petition filed for the accd. Phanindra Gayari.

To 21.6.78 for production of both the accused.

Considered the bail prayer for the accd. Phanindra Gayari. Considered the petition of complaint filed by the inspector RPF addressed to O/C, G.R.P.S., Alipurduar Junction. Both the accd. persons are the R.Ks of the RPF. Let the accds may find bail of Rs. 1000/- with two sureties of Rs. 500/- each on condition to attend Alipurduar Rly station G.R.P.S. once on every day until further order. Sd. Illegible, SDJM, ~~M~~ Apd.



Date of application for the copy.

Date fixed for notifying the requisite number of stamps and folios

Date of delivery of the requisite stamps and folios

Date on which the copy was ready for delivery.

Date of delivery of the copy to the applicant.

-:: 2 ::-

4/ Later. Bail bond furnished for the accused Rambali Rabi Das by two sureties and accepted.

Issue release order.

Sd. Illegible,  
S.D.J.M., Alipurduar.

5/8.6.78. Bail bond furnished by two sureties for the accd. Phanindra Gayari and not accepted.

Sd. Illegible,  
S.D.J.M., Alipurduar.

6/3.6.78. Record put up by petition and accd. Ramesh Ch. Das surrendered before the court to day and prays for bail. He is taken into custody.

To 21.6.78 for production.

Considered the prayer for bail. Let him find bail of Rs.1000/- with two sureties of Rs.500/- each on condition to attend Alipurduar G.R.P.S. on every day until further order.

Sd. Illegible,  
S.D.J.M., Alipurduar.

7. Later. Bail bond furnished for the accd. Ramesh Ch. Das and accepted.

Sd. Illegible,  
S.D.J.M., Alipurduar.

8/21.6.78. Accd. (1) Rambali Rabi Das on court's bail is present. and accd. (2) Phanindra Gayari on court's bail is present.

To 22.12.78 for appearance and I.O's report.

Sd. Illegible, S.D.J.M., Apdr.

23.6.78. Record put up by petition and accd. Naren Ch. Bayssya surrendered before the court today and prays for bail.

2  
Date of application for the copy.

Date fixed for notifying the requisite number of stamps and folios.

Date of delivery of the requisite stamps and folios.

Date on which the copy was ready for delivery.

copy to the applicant.

6

--- 3 ---

Considered the bail prayer for the accd. Naren Baisya who is a RK of R.P.F. The other accd. persons have been granted bail. Thus, considered, let this accd. person find bail of Rs. 1000/- with two sureties of Rs. 500/- each on condition to attend the Alipurduar G.R.P.S. on every day until further order.

To 10.7.78.

Sd. Illegible, S.D.J.M., Apd.

10/Later. Bail bond furnished for the accd. Naren Chandra Baisya and accepted.

Sd. Illegible, S.D.J.M., Apd.

11/10.7.78. Accd. Naren Ch. Baisya on court's bail present.

To 22.12.78 for appearance. Petition filed for withdrawing the thana hajira. Considered. ~~Grant~~ Conditional withdrawal.

Sd. Illegible, SDJM, Apd.

12/14.7.78. Accd. Sumi Deb Bhowmick is brought under arrest by the police of Apd. Jn.G.R.P.S. in this case.

Seen forwarding report and challan. He is taken into custody.

To 31.7.78 for production.

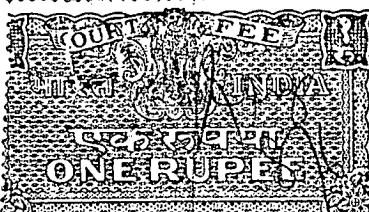
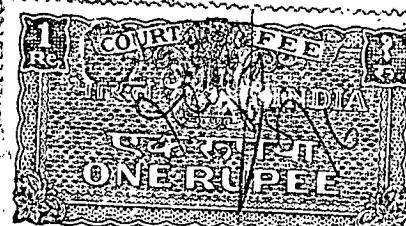
Considered the bail prayer. Let him find bail of Rs.1000/- with two sureties of Rs.500/- each on condition to attend the Alipurduar Jn.G.R.P.S. on every day until further order.

Sd. Illegible, S.D.J.M., Apd.

13/Later. Bail bond furnished for the accd. Sumi Dev Bhowmick and accepted. Sd. Illegible, S.D.J.M., Apd. contd..4

20 PES 20 PAISE

20 PES 20 PAISE



(2) 24

Date of applicant of the copy	Date for fixed notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

-:: 4 ::-

14/31.7.78. Accd. Sumi Deb Bhowmick on court's bail present and prays for ~~exit~~ withdrawing thana hajira.

To 22.12.78 for appearance.

I.O. must submit report in final form by the next date. The accd. attend P.S. once in a fortnight until further order.

Sd. Illegible, S.D.J.M., Apd.

15/20.10.78. Seen C.S. No.10 dt. 6.10.78 U/s 461/379 I.P.C. against Acds (1) R.K.Naren Baishya, (2) R.K.Ramesh Ch.Das, (3) S.R.K.Phanindra Gayari, (4) R.K.Rambali Rabi Das and S.R.K. Sunil Bhowmick all of Alipurduar R.P.F. Post who are on court's bail.

To 22.12.78 for appearance and copies.

Sd. Illegible, S.D.J.M., Apd.

16/22.12.78. Accdgs. persons are on court's bail and their deposition is asx follows :-

1. R.K.Naren Baishya - Present.
2. R.K.Ramesh Ch.Das. - Present.
3. S.R.K.Phanindra Gayari - Present.
4. R.K. Rambali Rabi Das - Present.
5. S.R.K. Sunil Bhowmick - Present.

To 18.5.79 for appearance and copies.

Sd. Illegible, SDJM, Apd., contd.5

2		ONE RUPEE		ONE RUPEE		ONE RUPEE		ONE RUPEE	
Date of application for the copy.		Date for notifying the requisite number of stamps and folios		Date of affixing the requisite stamps and folios		Date when the copy was ready for delivery.		Date of handing over the copy to the applicant.	
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17/18.5.79. Accd. persons on court's bail :

1. R.K.Naren Baishya - Present.
2. R.R.Ramesh Ch.Das - Present.
3. S.K.K. Phanindra Gayari - Present.
4. R.K. Rambali Rabi Das - Present.
5. S.R.K. Sunil Deb Bhowmick - Present.

To 14.11.79 for appearance and copies.

Sd. Illegible, S.D.J.M., Apdr.

18/14.11.79. 1. Sunil Bhowmick X  
 2. Ramesh Chandra Das X  
 3. Phanindra Gayari --- X Present .  
 4. Sunil Bhowmick. X  
 5. Naren Baisya. X

Fixing 16.4.80 for copy and appearance.

Sd. Illegible, S.D.J.M., Apdr.

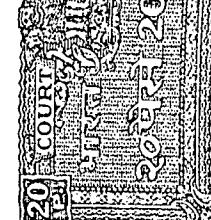
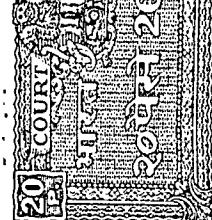
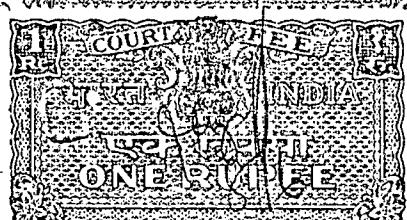
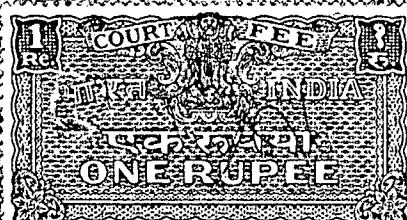
19/16.4.80. Accds :

1. R.K.Naren Baisya - Present.
2. S.R.K. Sunil Bhowmick- Present.
3. R.K. Ramesh Ch.Das - Present.
4. S.R.K. Phanindra Gorai - Abs. by petition.
5. Rabi Das. - present.

Other ~~and~~ accd. persons are absent without stop  
 fixing 11.9.80 for copy and appearance.

Sd. Illegible, SDJM, Apd. cont6

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Date of application for the copy.

Date on which notifying the requisite number of stamps and folios

Date on which the copy was ready for delivery.

Date of making over the copy to the applicant.

16

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20/11.9.80. 1. Naren Baisya - present.  
 2. Sunil Bhowmick ~~Present~~. Abs. by petition.  
 3. Ramesh Ch. Das - present.  
 4. Phanindra Gorai - abs. petition.  
 5. Rabi Das - present.

Copies are ready and supplied. Let the record be transferred to Ld.J.M., 1st Court for disposal.

Sd. Illegible, S.D.J.M., Apd.

In the Court of the Judicial Magistrate, Alipurduar.

Present : Shri J.N.Roy, Judicial Magistrate, 1st Class.

21/11.9.80. Record received by transfer and Regd. Accds. 1. Naren Baisya (2) Ramesh Das and (3) Rabi Das are present. Accds (4) Sunil Bhowmick and 5. Fanindra Gorai are absent by petition and prays for time.

To 21.11.80 for app. and order.

Sd. J.N.Roy, J.M., Apdr.

22/26.11.80. Accds. (1) Naren (2) Rambali and (3) Ramesh Das are present in Court. Accds. (4) Fanindra and (5) Sunil are absent by petition and pray for time.

Heard. Considered. Prayer for time is allowed.

To 2.2.81 for app. and order.

Accds. as before.

Sd. J.N.Roy, J.M., Apd.

23/2.2.81. Accd. 1. Naren Baisya on bail is present. Accds. 2 Rambali (3) Sunil and (4) Ramesh Das are also present today.

To 2.3.81 for consideration of charge, if any.

Accds. on bail as before. Sd. J.N.Roy, J.M., Apdr. contd...7



Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant,

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24/2.3.81. Accds. 1. Naren Baisya, 2. Sunil Bhowmick, 3. Ramesh Das and 4. Rambali Rabi Das on bail are present in court today. Accd. 5. Fanindra is absent by petition and prays for time.

Heard. The 1d. lawyer for the accd. persons. Considered. Prayer is allowed today also Sanction are directed to produce all the accd. persons on the date fixed.

To 7.5.81 for consideration of Charge if any.  
Accds. on bail as before.

Sd. J. N. Roy, J. M., MApdr.

25/7.5.81. All the (5) accd. persons on bail are present today. Accd. Sunil Bhowmick on bail is absent without intimation.

Subsequently a petition is filed for accd. Sunil Bhowmick praying for time on the ground stated therein.

Heard. Considered. Prayer for time is allowed today also.

To 17.7.81 for consideration of charge, if any.

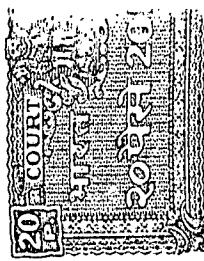
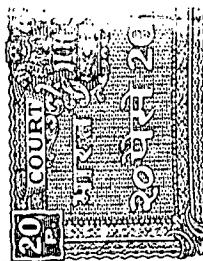
Accds. on bail as before.

Sd. J. N. Roy, J. M., Apdr.

26/17.7.81. Accd. 1) Rambali Rabi Das on bail is present. Accds. 2. Ramesh Das and 3. Naren Baisya on bail are present. Accds. 4 Sunil and 5. Fanindra on bail are absent by petition and prays for time.

Heard is the 1d. lawyer for the absentee accd. persons. Considered. Prayer is allowed today also. Sureties are contd....8

(2)



Date of application for the copy.

Date fixed for the requisite number of stamps and folios

requisite stamps and folios

Date on which the copy was ready for delivery.

Date of making over the copy to the applicant.

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are directed to produce all the (5) accd.persons. On the next date.

To 2.11.81 for C/Charge, if any. Accds.as before.

Sd.J.N.Roy, J.M.,Apdr.

27/2.11.81. All the (5) accd.persons on bail are present in Court today.

Heard. Charge U/s 461/379 I.P.C. framed for which all accd.plead not guilty and claims to be tried.

Issue summons.

To 8.4.82 for evidence.

Accd.as before.

Sd.J.N.Roy,J.M.,Apdr.

28/8.4.82. Accds. 1. Fanindra, (2) Sunil, (3) Rambali Rabidas (4) Ramesh Ch. Das on bail are present in court today. Another accd.Naren Baisya on bail is absent by petition and represented by his lawyer U/s 540(K) Cr.P.C.

S.R. of summons not received. prosn.is present with (1) witness.

P.O. is on leave to day. Case be adjourned.

To 6.9.82 for evidence.

Issue summons. Accd.as before.

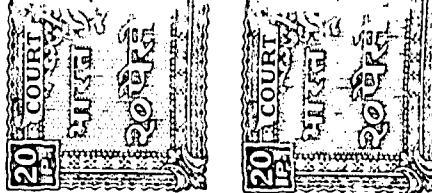
Ld.lawyer for the accd.files a v.nama.

Let it be kept with the record.

Sd.Illegible,J.M.-in-Charge,Apd.

29/6.9.82. All the (5) accd.persons on bail are present in court today.S.R.of summons not received. Prosecution is present along with (1) witness to day.

contd...9



Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant, b6

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Officer of Law S. D. J. M. C. J. M.  
Jalalpur  
8/6/83

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P.O. is on leave. Case is adjourned to day. P.W. is discharged today without examination.

Issue afresh summons.

To 9.2.83 for evidence.

Accd. persons on bail as before.

Sd. Illegible, J.M.-in-Charge, Apd.

30/9.2.83. Accds(4) are on bail are present to day. Another accd. Rambali on bail is absent by petition and prays for time.

S.R. not received. No P.W.s. prosecution prays for from adjournment the case to day.

P.W. B. Biswas files a petition ~~xxxxxx~~ praying for time to depose in the case on the ground stated therein.

Heard. Considered. Prayer is allowed.

Issue afresh summons.

To 9.6.83 for evidence.

Accds. on bail as before.

Sd. J.N. Roy, J.M., Apd.

31/9.6.83. P.O. has been transferred. All the (5) accd. persons on bail are present today.

No P.Ws are present today. Prosh. also prays for an adjournment the case today.

Considered. Prayer is allowed.

Issue summons. To 29.10.83 evidence.

Accds. on bail as before.

Sd. Illegible, ~~J.M.~~ J.M.-in-Charge.  
Alipurduar.

contd...10

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 Jalpaiguri  
 3/6/2000

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32/29.10.83. P.O. has been transferred. All the (5) accd. persons on bail are absent by petition and prays for time. No P.W.s prosecution also prays for an adj. the case to day.

Considered. Prayer is allowed.

Issue summons.

To 24.2.84 for evidence.

Accds. on bail as before.

Accd.F.Gayari is present on call.

Sd. Illegible, J.M.-in-Charge, Apd.

33/24.2.84. P.O. has been transferred. All the (5) accd. persons are on bail absent by petition and prays for time. No P.W.s prosn. also prays for an adj. the case to day.

Considered. Prayer is allowed.

Issue summons.

To 18.6.84 for evidence. Accds.on bail as before.

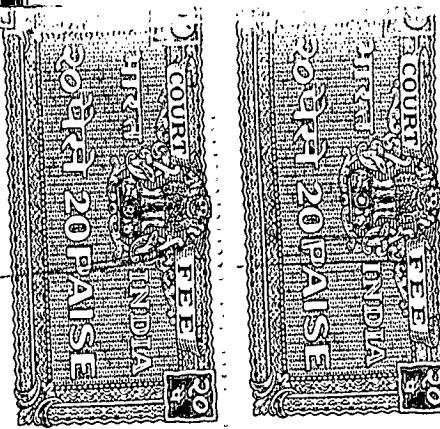
Sd. Illegible, N.K.Biswas, J.M., Apd.

Present :- Shri N.K.Biswas, J.M., Alipurduar.

34/18.6.84. Accds. 1. Rambali Rabi Das and 2. Sunil Bhowmick on bail are present. Others(3) on bail are absent by a petition and prays for time.

Prosecution is present alongwith (2) witnesses

One R.T. Message received from S.I.Kalipada Roy who is unable to attend court today. contd...11.



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 Jalpaiguri  
 8/6/2020

21  
 -:: 11 ::-

Two P.Ws are examined ~~as~~, cross examined and discharged.

Issue summons 1, 2 and 7.

To 2.11.84 for further evidence.

Accds. on bail ~~as~~ before.

Sd. N.K.Biswas, J.M., Apdr.

35/2.11.84. Accds(3) on bail are present today. Others accds.

Rambali Rabi Das and Naren Baishya are absent without any steps. Case is called out. Accds. viz. R.R.Das and N.Baishya are found absent on call.

Issue W/A against them fixing 11.3.85 for E.R. of W.A and appearance.

Sd. N.K.Biswas, J.M., Apdr.

Present :- Sri P.K.Dey, J.M., Apdr.

36/11.3.85. Accds (3) on bail are absent by a petition and prays for time.

Considered. Prayer is allowed.

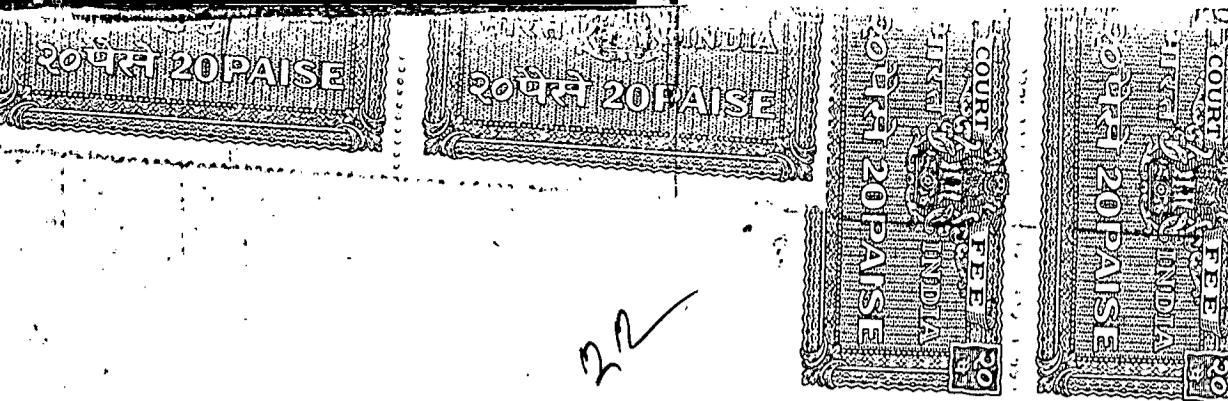
Subsequently accd. Sunil Deb Bhowmick is present.

E.R. of W/A returned unserved as per report. No P.Ws Prosh. Prays for time. Considered. Prayer is allowed.

Case is adj. today.

To 5.6.85 for app. & E.R. of W/A.

Sd. P.K.Dey, J.M., Apdr. contd...12



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Jalpaiguri  
B.6/2022

- 12 -

37/5.6.85. Accd. Sunil Bhowmick and Rambali Rabi Das are present. No E.R. pf W.A received against accused S.B.Biswas, R.K.Narohari Kakuti and A.S.I. Paritosh Mukherjee as yet.

TO 3.8.85 for app. & E.R. of WPA.

Sd.P.K.Dey, J.M., Apdr.

38/3.8.85. Accd. Sunil Dey Bhowmick on bail is present. Accd. Rambali Rabi Das is absent by petition and prays for time.

No E.R. of ~~XXXX~~ W/A received against other accd.  
persons. P.O. has been transferred. Issue reminder. Prayer for  
time is allowed. The case be adjourned.

To 5.10.85 for app. and E.R. of W./A.

Sd. Illegible, J.M., Apdr.

39/5.10.85. Accd.(1) Rambali Rabi Das and (2) Sunil Deb  
Bhowmick on bail are present to day. P.O. is on leave. The case  
be adjourned. No E.R. of W/A received against other accd. persons.

Issue reminder. To 21.12.85 for App. & ER of W/A.

Sd. Illegible, J.M., Apdr.

40/21.12.85. Accd. Rembali Rabi Das is present today, another accd. Sunil Deb Bhownick is absent without any step. Accd. is absent on call.

Issue W/A against accd. Sunil Deb Bhowmick.

NO E.R. of W/A against other accds. con td...13

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Clerk-in-Charge  
Court of the S.D.J.M/C.J.M  
Jalpaiguri  
8/6/2005

Ex -:: 13 ::-

Sureties are directed to show cause why the proceeding U/s 446 Cr.P.C. shall not be started against them.

To 3.3.86 for E.R. of W/A and app. and showing cause.

Sd. Illegible, J.M., Apdr.

41/29.1.86. Ld. lawyer for accd. Sunil Deb Bhowmick files a put up petition. Another petition files and prays for surrender in Court and prays for bail on the ground stated therein.

Heard. Considered. Prayer for bail is allowed. Accd. may find bail of Rs.1000/- with two fresh sureties of Rs. 500/- each i.d. to J/c.

To date.

Sd. Illegible, J.M., Apdr.

42/later. Bail bond furnished by sureties Suresh Chandra Biswas and Sib Sankar Saha for accd. Sunil Deb Bhowmick. Let the bonds be accepted and kept with the record.

Sd. Illegible, J.M., Apdr.

43/3.3.86. Both the accd. on c/b are present and filing a hajira.

To 23.6.86 for further evidence. Fresh summons as per C.S.

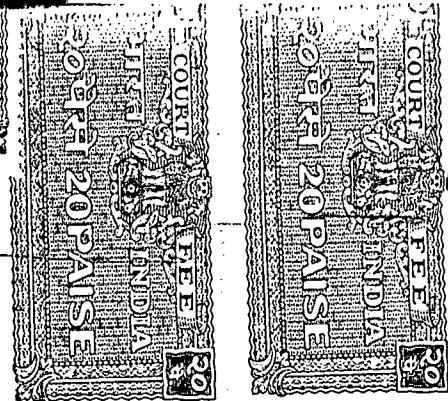
Accd. must be present on that day.

Sd. Illegible, J.M., Apdr.

44/23.6.86. Accd. Sunil Deb Bhowmick, Rambali Rabi Das on c/b con d....14

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 O/C of the S.D. S.M./C.J.P.  
 Jalpaiguri  
 8/6/2000

-:- 14 :-:-

on c/b are present.

It appears from the record that three accds viz (1) Naren Baishya (2) Ramesh Ch. Das (3) Phanindra Goyari are still absconding and also W/A has been pending against them. No E.R. of W/A has been received against them as yet.

Issue urgent reminder to O/C, Alipurduar R.P.F. Out Post for E.R. Witness Sadananda Roy is present and discharged without examination.

To 21.8.86 for E.R. of W.A. and appearance.

Sd. Illegible, J.M., *Apdr.*

45/21.8.86. Accd. Sunil Deb Bhowmick and Rambali Rabi Das on c/b are present.

Seen the petition filed by O/C, Apd.P.S. who prays for issuing fresh W/A against the accd. Ramesh Das, Phanindra Goyari and Naren Ch. Baishya.

Prayer is allowed.

Issue W/A against the absconding accd. persons.

To 10.11.86 for E.R. of W.A. and appearance.

Sd. Illegible, J.M., *Apdr.*

46/10.11.86. Accd. Sunil Deb Bhowmick and Rambali Rabi Das *and* on c/bail present.

Order No. 45 dt. 21.8.86 has not been complied with B.C. to comply.

contd....15

Sd. B. Neogi, J.M., *Apdr.* contd..16



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Jalpaiguri  
8/6/2000

--- 15 ---

To 6.1.87 for E.R. of W/A and appearance.

Sd. Illegible, J.M., Apdr.

47/6.1.87. Accd. Sunil Deb Bhowmick and Rambali Rabi Das on c/bail are present.

No E.R. of W.P. and A has been received against the accd(3) as yet. Issue reminder.

Sd. Illegible, A.M., Apdr.

48/3.3.87.

Present :- Shri B. Neogi, J.M., Apdr.

Accd. Rambali Rabi Das on C.B. present. Accd.

Sunil Deb Bhowmick is absent by petition and prays for time.

Heard. Considered. Prayer is allowed. No E.R. of W.P. & A has been received against the accd(3) as yet.

To 10.6.87 for app and R.R.

Sd. B. Neogi, J.M., Apdr.

49/10.6.87. Accd. Sunil Deb Bhowmick on c/b present. Accd. Rambali Rabi Das is absent by petition and prays for time for appearance.

Heard. Considered. Prayer is allowed. No E.R. of W.P. & A has been received against the other 3 accd. persons. Issue reminder.

To 15.9.87 for App. and E.R.

Sd. B. Neogi, J.M., Apdr. contd. 16

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 Jalpaiguri  
 8/6/87

-:- 16 :-

50/15.9.87. Accd. Sunil Deb Bhowmick and Rambali Rabi Das on c/b present. E.R. of other 3 accd. persons returned with report. That such accd. persons are now residing elsewhere.

Issue fresh W/A against them accd. persons to the appropriate ....fixing 7.11.87 for E.R.

Sd. B. Neogi, J.M., Apdr.

51/7.11.87. Accd. Rambali Rabi Das and Sushil Deb Bhowmick on c/b are present. Issue fresh W/A against the other 3 accd. persons as per order No.50 dt. 15.9.87.

To 8.1.88 for E.R.

Sd. B. Neogi, J.M., Apdr.

8.1.88. Accd. Sunil and Rambali Rabi Das on c/b are present. It appears that W.A....for the remaining three accd. persons have not yet been issued afresh despatching their present addresses.

Office to issue the same at once.

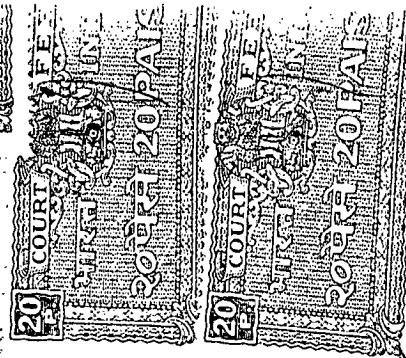
To 2.3.88 for app. for E.R. & W.A.

Sd. B. Neogi, J.M., Apdr.

2.3.88. Accd. Sunil & Rambali Rabi Das on bail present. No E.R. of W.A. against the accd. persons.

Issue W.P.A. against the remaining three accd. persons. To 11.5.88 for E.R. of W.P. & A and app.

Sd. B. Neogi, J.M., Apdr. contd...17



Date of application of the copy	Date for fixing notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

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Jalpaiguri  
8/6/2000

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11.3.88. Accd. Rambali and Sunil on c/b are present. W.P.A has not issued against the remaining three accd. persons.

Issue the same.

To 29.7.88 for app and E.R. of W.P.& A.

Sd.B.Neogi, J.M., Apdr.

29.7.88. Accd. Rambali Rabi Das and Sunil Deb Bhowmick on bail present W.P.& A Could not be issued against the remaining accd. persons for want of terms.

Issue the same at once.

To 15.9.88 for app. and E.R. of W.P.& A.

15.9.88. Accd. Rambali Rabi Das on bail present. Accused Sunil Deb Bhowmick on bail absent by petition a dprays for time.

Considered. No E.R. of W/A against the remaining accd. persons.

Issue W.P.A. against the accused persons.

P.O. is on leave.

To 11.10.88 for app. and E.R. of W.P.& A.

Sd. Illegible, S.D.J.M., Apdr.

11.10.88. Accd. Rambali Rabi Das and Sunil Deb Bhowmick on bail present. W.P.&A could not be issued for want of forms.

Issued the same at once against the remaining accd. persons.

To 7.12.88 for app. and E.R. of W.P.& A.

Sd. Illegible, B.Neogi, J.M., Apdr. contd. 18

Date of application for the copy.

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Date of delivery of the requisite stamps and folios

Date on which the copy was ready for delivery.

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Office of the S.D.J.M./C.J.M.  
Jalpaiguri  
8/6/2000

-::: 18 ::-

7.12.88.

Accd. Rambali Rabi Das on c/b is present.

Accd. Sunil Deb & Bhowmick on bail is absent.

8

None appears for accd. Sunil inspite of calls.

Office to issue W.P.& A for the remaining accd. three persons after collecting appropriate form.

To 8.2.89 for appears for E.R. of W.P.&A.

Surety to produce all the accd. persons on the date fixed.

Sd. B. Neogi, J.M., Apdr.

8.2.89.

Accd. Rambali Rabi Das/ present .Accd. Sunil Deb on bail absent by petition and prays for time. Considered. No E.R. of W/A against the remaining accd persons. W/P could not be issued the want of form. Issue the same.

To 22.4.89 for app. and E.R. of W.P.& A.

Sd. B. Neogi, J.M., Apdr.

22.4.89.

Accd. 1) Rambali Rabi Das on bail are absent by a petition and pray for time.

It appears that W/P/A was not issued against the remaining 3 accds. Issue the same at once.

To 8.6.89 for app. for E.R. of W.P.A.

Sd. B. Neogi, J.M., Apdr.

8.6.89.

~~Accd.~~ Rambali Rabi Das is absent by a petition and prays for time.

Accd. Sunil is absent without steps.

It appears that W.P.A meant for the remaining three accds have ~~bewx~~ not yet been issued.

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20 PES 20 PAISE  
 Clerk in Charge  
 Office of the S.P. & C.I.D.  
 Sialkot  
 8/6/20

- :- 19 :-

Office to issue the process of W.P.A. meant for the  
 three absconding accused persons.

To 4.8.89 for app. ~~and~~ for E.R. of W.P.A.  
 Surety produce accd. Sunil.

Sd.B.Neogi, Apdr.

Present :- Shri S.K.Verma, J.M.

4.8.89. Accds. (1) Rambali Rabi Das (2) Sunil on bail are  
 absent by a petition and pray for time.

It appears that W.P.A. was not issued against the  
 remaining 3 accds. Issue the same at once.

To 27.9.89 for E.R. of W.P.A. and appearance.

Sd.S.K.Verma, J.M., Apdr.

27.9.89. Accd. Rambali Rabi Das is absent by a petition and  
 pray~~s~~ for time.

Accd. Sunil on bail is absent without any steps.

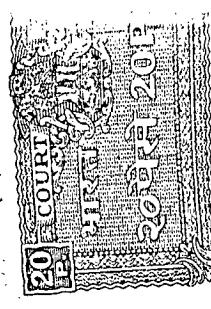
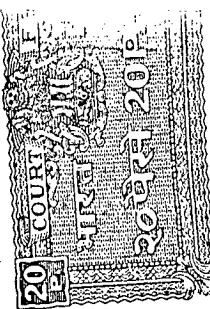
Surety is directed to produce the accd.

W.P.A. was not issued against the remaining 3  
 accds. Issue the same at once. To 21.11.89 for E.R. of W.P.A.  
 and appearance.

Sd.S.K.Verma, J.M., Apdr.

21.11.89. Accd. Rambali Rabi Das on bail is ~~not~~ absent by a  
 petition . and pray~~s~~ for time.

Accd. Sunil on bail is absent without any steps.



3  
P

Date of application of the copy	Date for fixed notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

Copy given  
S. K. Verma  
Clerk in Charge  
Court of Session  
Alipurduar Junction

-:: 20 ::-

Surety is directed to produce the accused.

W.P.A. was not issued through over sight against remaining 3 accds. Issue the same.

To 24.1.90 for E.R. of W.P.A.

Sd. S.K.Verma, J.M., Apdr.

24.1.90.

Accd. Rambali Rabi Das on bail is present.

Accd. Sunil on bail is absent without any steps.

Issue W/A against him.

No E.R. of W.P.A. against the remaining 3 accds.

To 23.2.90 for E.R. of W.A & W.P.A. & app.

Sd. S.K.Verma, J.M., Apdr.

23.2.90.

Accd. Rambali Rabi Das on bail is absent by a petition. E.R. of W/A received against the accd. R.K. Naren Baisya, S.R.K. Phanindra Gayari, R.K. Ramesh Ch. Das returned unexecuted as per police report.

Issue fresh W/A against the accd. persons. It appears from the record that the W/A was not issued through over sight.

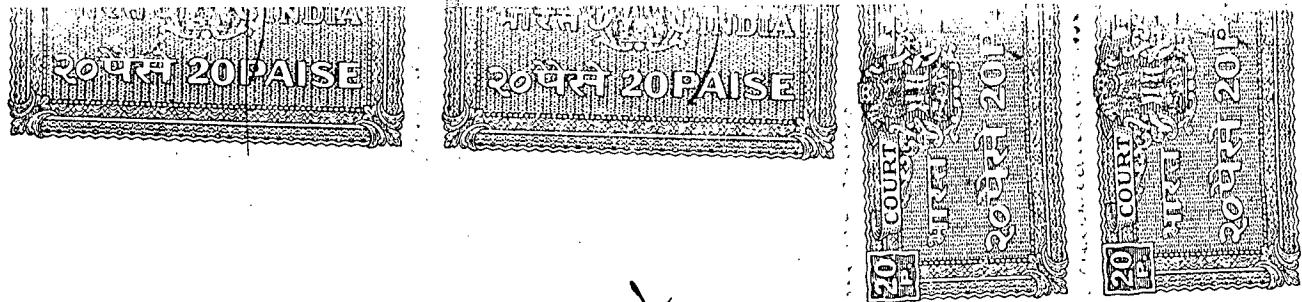
Issue W/A against the accd. S.R.K. Sunil Bhowmick through D.S.C. (R.P.F.) Alipurduar Junction.

To 24.4.90 for E.R. of W/A and W.P.A.

Sd. S.K.Verma, J.M., Apdr.

24.4.90.

No E.R. of W/A and W.P.A. against the accd. persons  
contd..21



31

78

Date of application of the copy	Date for fixed notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

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G. Ray  
Clerk-in-Charge  
Officer of the S.D.I.A./C.J.M.  
Jalpaiguri

8/6/2020

-::: 21 ::-

To 29.6.90 for E.R. of W.A and W.P.A. subsequently accused Rambali Rabi Das.

Sd.S K.Verma, J.M.,Apdr.

29.6.90. Accd.Rambali is present. W/A and W.P.A.against accd. Phanindra Gorari returned unexecuted as per police report Re-issue W/A against accd.Phanindra Goyari.Ex.S.R.K. s/o Shri Kilargoyari vill--Belguri, P.O. Kakraghar, through O/C Kokrajhar , Assam. No E.R. of W/A and W.P.A. against other accds  
To 18.10.90 for app. E.R. of W/A and W.P.A.

Sd.S.K.Verma, J.M.,Apdr.

18.10.90. P.O. is on leave. No E.R. received . Issue tagids.  
To 16.1.91 for S.R. and W.A.

Sd.Illegible, J.M.,Apdr.

16.4.91. Accd.Rambali is absent without any steps.

No E.R. of W.A and W.P.A. against the accds.  
Issue reminder.

To 28.3.91 for app. and E.R. of W.A. & W.P.A.

Sd.S.K.Verma, J.M.,Apdr.

28.3.91. No E.R. of W.A. is received against accused R.K. Naren Baisya, R.K. Ramesh Ch.Das ofx and S.R.K. Fanindra Goyari absent by petition is filed on behalf of the another accd. Rambali Rabi Das.

But it appears from the record the order for  
contd...22

Date of application of the copy	Date for fixed notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

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G. R. Das  
Clerk in Charge  
Court of the S.P.J. J.M./C.I.D.

-:: 22 ::-

order for issuing W/A against the accd. Rambali was already found on the other day. Hence, the absent petition is rejected at this stage.

Issue W/A against the accd. Rambali Rabi Das at once, fixing 10.7.91 for eE.R.of W.A. and orders.

Sd.S.K.Verma, J.M.,Apdr.

10.7.91. No E.R. of W.A. is received. Issue urgent reminder at once. fixing 6.11.91 for E.R. of W.A. and order.

Sd.S.K.Verma, J.M.,Apdr.

6.11.91. No E.R. of W.A. is received as yet. Reminder was already issued, but to no effect. Issue another strong reminder against accused Rambali Rabi Das, fixing 10.2.92 for E.R. of W.A. and orders.

Sd. Illegible, J.M.(2nd Court)-in-Charge,Apdr.

10.2.92. No E.R. of W.A. is received against all the accd. persons. The P.O. has been transferred. The Court is vacant B/C is directed to issue urgent tagid to the I/C,Apdr. P.S., fixing 4.5.92 for E.R. of W.A. and further order.

Sd. Illegible, J.M.(2nd Court) Apdr

Present :- Shri T.K.Das, J.M.,Apdr.

4.5.92. No E.R. of W.A. against the accd. persons received Issue fresh W.O. against the accd. persons fixing 29.7.92 for E.R. of W.A. Sd.T.K.Das, J.M.,Apdr contd....23

20 PES 20 PAISE

20 PES 20 PAISE

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G. L. Ray

Clerk in Charge  
Court of the S.D.J.M./C.J.M.  
Jalpaiguri

-:: 23 ::-

11.6.92.

The record is ~~not~~ put up today by petition.

A petition is filed on behalf of the accused Sunil Deb Bhowmick alongwith a fresh v.name praying for bail on the ground as stated therein. The accused is taken into custody. Considered the bail application. Heard. the 1d. lawyer for the accused. It is submitted that the person is in Govt. Service and he was transferred to Pandu. He was not aware of the fate of the case. Immediately after coming back he enquired about the case and came to learn about the W/A issuing against him. He has decided to surrender before the Court as a law abiding citizen.

Considered. It is a fact that the W.A. is pending for long 8 years. This accused ought to be serious and he could get news had he been diligent.

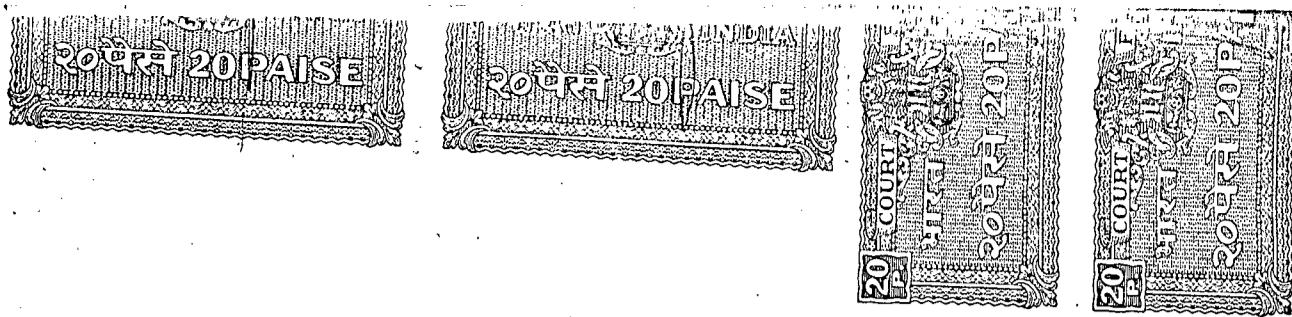
However, when he has come before the court voluntarily I like to give him another opportunity.

The prayer for bail is allowed. The accused may find bail of Rs. 1000/- with two sureties of Rs.500/- each i.d. to J/c.

To 25.6.92 for appearance of production as the case may be.

Sd. T.K.Das, J.M., Apdr.

11.6.92. Bail bond furnished by the sureties (1) Nalin Ranjan Datta and (2) Pranab Kr. Paul on behalf of the accd. contd...24



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**TRUE COPY**  
 Hafiz  
 Clerk in Charge  
 Office of the S.D.J.M./C.J.M.  
 Jalpaiguri.

- : - 24 : -

*25/6/92* Sunil Deb Bhowmick. Let the bond be accepted and kept with the record.

Sd.T.K.Das, J.M., Apdr.

25/6/92. Accd. Sunil Deb Bhowmick on bail is present today. The record is put up today by petition. A petition is filed on behalf of the accused Rambali Rabi Das alongwith fresh V.nama. Praying for bail on the ground stated therein. He is taken into custody. Perused the bail petition. Ld. lawyer for the accused. Considered. In this case I ~~will~~ find that on the other day I granted bail to another accused when he surrounded before this Court. There is no necessity of adopting a different course of this time. Prayer for bail is allowed. Accused may find bail of Rs.1000/- with two sureties of Rs.500/- each i.d. to J/c till 8.7.92 for ~~x~~ production. Recall the W/A issued against him.

To 8.7.92 for appearance if on bail.

Sd. T K.Das, J.M., Apdr.

*25/6/92* 25.6.92. Bail bond furnished by the surties (1) Nalini Ranjan Datta and (2) Pranab Kr. Paul on behalf of the accused Rambali Rabi Das. Let the bond be accepted and kept with the record.

Sd.T.K.Das, J.M., Apdr.

8.7.92. Accd. persons namely (1) Rambali Rabi Das and (2) contd....25

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H. R. Das  
 Clerk in Charge  
 Date of the S.D. 31/7/92  
 Alipurduar  
 26/7/92

-::: 25 :::-

(2) Sunil Deb Bhowmick on bail are present. No E.R. of W.A. against the other accused are received.

To 29.7.92 for appearance ~~and~~ of the accd. persons and E.R. of W.A.

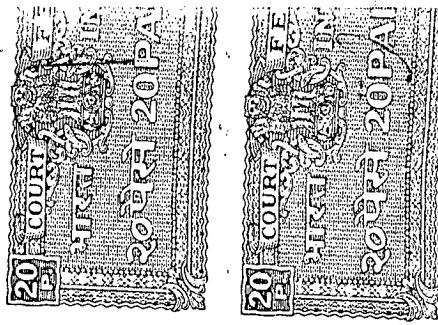
Sd. T.K. Das, J.M., Apdr.

29.7.92. Accd. persons namely (1) Sunil Bhowmick and (2) Rambali Rabi Das on bail are present. No E.R. of W.A. against the other accd persons are received. Issue takid P.O. is on leave to ~~day~~ 15.9.92 for appearance <sup>of</sup> ~~and~~ the accused persons and E.R. of W.A. P.O. is on leave.

Sd. ~~Illegible~~,  
J.M., Alipurduar.

15.9.92. Accused persons namely (1) Sunil Deb Bhowmick and (2) Rambali Rabi Das on bail are present. A petition is filed on behalf of the accused persons namely (1) Ramesh Das and (2) Naren Baisya surrendered before the court. They are taken into custody. A petition is filed alongwith fresh vnames. ~~Expressed~~ Praing for bail on the ground as stated therein

Heard. Considered. As the accused persons have voluntarily appeared in court and have expressed their willingness to face the trial I am not inclined to their liberty. The prayer for bail is allowed. i.e. each of these



Date of application of the copy	Date for fixed notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

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No E.R. of W.A. against accused Manindra Ch. Goyari. It is reported that this accused is no more. I/C Apdr P.S. is directed to verify the information. He is either to execute the W.A. issued against accused Manindra Goari or if he finds then the information regarding death of the accused is correct furnish a report ~~of~~ to ~~the concerned~~ this Court by 12.11.92. Inform.

Sd. T.K.Das, J.M., Apdr.

Later . Bail bonds furnished by the sureties sri Pranab Kr.Paul on behalf of the accd.persons namely (1) Naren Baishaya and (2) Ramesh Ch.Das. Let the bonds be accepted and kept with record.

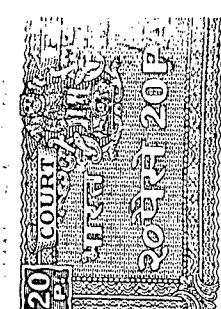
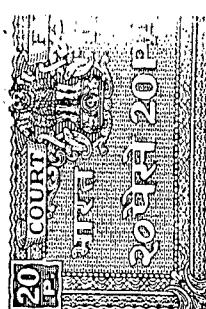
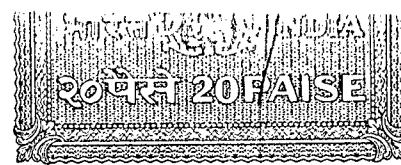
Sd. T.K.Das, J.M., Apdr.

12.11.92. Accd.Ramesh , Naren and Rambali on bail are present today. Accd. Sunil on bail is absent by petition and prays for time.

P.O. is on leave. Case be adjourned to 17.12.92 for E.R. and appearance.

Sd. Illegible, J.M., 3rd-in-Charge Alipurduar.

con td....27



27

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G.O. - Chit in Cases  
8/6/1992

-:: 27 ::-

17.12.92. Accd. persons namely (1) Ramesh Das (2) Naren Baishya (3) Sunil Deb Bhowmick on bail are present. Accused Rambali Rabi Das on bail is absent by petition and prays for time. Heard. A death certificate regarding the accused Phanindra Gayari is filed today. Accd. Rambali Rabi Das on bail is present by filing hajira. Ld. lawyer for the accused Phanindra Goyari files a certificate issued by the Prodhan of a Gram Panchayet in Assam. It shows that Prodhan certifies that one Phanindra Goyari died sometime back. Such a certificate can not be acted upon. I/C Alipurduar P.S. is again directed to verify the information regarding death of accused Phanindra Goyari i.e. Alipurduar P.S. to submit his report by 1.2.93.

Accused as before .

Sd. T.K.Das, J.M., Apdr.

1.2.93. Four accused persons namely Ramesh Das, Naren Baishya, Sunil Deb Bhowmick and Rambali Rabi Das are present. A certificate issued by District Registrar, Birth & Death, Kokrajhar (Assam) has been filed as proof of death of accd. Phanindra Goyari. Considered . Let a copy of the certificate be kept with the record. The case as against Phanindra Goyari abated.

contd. 28.b

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TRUE COPY  
Hari  
Clerk to Court  
Office of the S.L.J.M./C.J.M.  
Salpargan  
8/6/20

-1: 28 :-

Issue summons on c/w No.1,2,5,6,7 fixing 1.3.93

for evidence. Accused as before.

Sd.T.K.Das, J.M.,Apdr.

1.3.93. All the four accd.persons on bail are present.

Prosecution files hajira for one witness today.

P.W.3 Sukhen Bikash Biswas is examined in Chief. He proves exm.L. Cross-exam. by the defence and then discharged.

No other P.WS is present in case. Casebe adjourned to 19.4.93 for further evidence. Issue such summons accoocdingly.

Accd.persons as before.

Sd.T.K.Das, J.M.,Apdr.

19.4.93. Three accd.persons onbail are present. A petition ~~for~~ is filed on behalf of the accd. Sunil Deb Bhowmick U/s 317 Cr.P.C.

Heard. No P.W. is present. I find summoned on the witnesses were send for causing service. Case is adjourned To 11.5.93 for evidence. Issue summons on all the witnesses positively.

Sd.T K.Das, J.M.,Apdr.

11.5.93. Three accused persons namely Naren Baishya, Ramesh Das and Rambali Rabi Das are present. Accused Sunil Bhowmick is absent.

No P.W. summoned onthe witnesses couldnot be served. Caseis adjourned.

To 9.6.93 for evidence .Issue the summons.

Sd.T.K.Das, J.M.,Apdr. conte 290

Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant,
		8		8/10/93

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 H. R. Ray  
 Clerk in Charge  
 Clerk of the S.D.J.M./C.J.M.  
 Salpahani  
 8/10/93

-:: 29 ::-

9.6.93. Accd. Sunil Deb Bhowmick and Ramlal Rabi Das on court's bail are present. Other two accd. persons are absent by petition and prays for time on the ground stated therein. No witness is present.

To 21.7.93 for evidence. Issue s/w accordingly.

Sd. T.K. Das, J.M., Apdr.

2.8.93. From 21.7.93 to 23.7.93 to 23.7.93 court could not held due to flood and .... 26.7.93 to 31.7.93 court could not held due to absence at staff, and litigant public. Hence the record is put up to-day

To 4.9.93 for evidence.

**District Judge** **Subbhet** **XXXXXX**

4.9.93. Four accd. persons on court's bail are absent by petition and prays for time on the ground stated therein. Prosecution pray for time. No witness is present.

Heard. Considered.

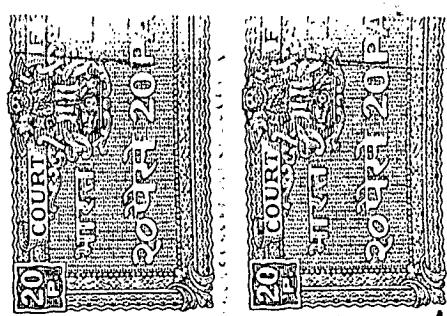
Prayer for time is allowed.

To 18.10.93 for issue summons upon all remaining C.S. Witnesses. B.C. to comply.

Sd. Illegible, J.M., Apdr.

18.10.93. Accd. Sunil Deb Bhowmick and Ramlal Rabi Das on Court's bail are present other two accd. persons on court's bail are absent by petition and prays for time on the ground stated therein. No P.W. is present. Ld. Prosecution prays for time. Heard. Considered contd 30.8.

NO



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STATE COURT  
Gauhati  
Clerk-in-Charge  
Office of the S.D. S.M.C. & C.I.D.  
Jailor  
S/6/2000

-:: 30 ::-

Heard. Considered.

Prayer for time is allowed. To 20.12.93 for issue summons upon all the remaining C.S. witnesses.

B.C. to comply. Accd.on c/b as before.

Sd. Illegible, J.M., Apdr.

20.12.93. Four accd. persons on court's bail are present. No.

P.W. is present. Prosecution takes no steps.

To 3.2.94 for issue summons upon all the remaining C.S. witnesses. B.C. to comply. Prosecution to take steps to examine all remaining witnesses.

Accd. persons are C/S as before.

Sd. Illegible, J.M., Apdr.

3.2.94. P.O. is on leave.

Accd. Nareh Baisya and Rambali Rabi Das on court's bail are present. Accd. Ramesh Das, Sunil Deb Bhowmick on court bail are absent by petition. No P.W. is present.

Ld. Prosecution has also prays for time.

To 9.3.94 for evidence.

Sd. Illegible,  
J.M., 1st Class, Alipurduar.

contd. 3/...e

Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery.	Date of delivery of the copy to the applicant.
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 Hafiz  
 Clerk-in-Charge  
 Court of the S.D.J.M.C.A.  
 Dallitali  
 8/6/94

::: 30 ::-

9.3.94. Accused Naren Baisya, Ram Bali Rabi Das, Sunil Deb Bhowmick on court's bail are present.

Accused Ramesh Das on court's bail is absent by petition and represented under section 317 Cr.P.C.

Id. prosecution also prays for time.

Heard. Considered.

Prayer for time is allowed.

To 8.4.94 ..... i.d. 313 Cr.P.C.

Issue summons upon all remaining C.S. witnesses.

B.C. to comply. Accd.on c/b as before.

Sd. T.K.Das, J.M., Apr.

8.4.94. Accd.1. Ramesh Das(2) Sunil Deb Bhowmick and (3) Rambali Rabi Das on court's bail are present. Another accd. Naren on c/b is absent by a petition and praying for represented the accd.U/s 317 CrPC. S.R.retd.un-served upon minor S.I.K.P.Roy as per report.

No P.Ws Id. Prosecution prays for time on the ground stated therein. I.O. is ..... notice under Panchayet. Heard. Considered.

Prayer is allowed.

To 24.5.94 for i.d. 313 Cr.P.C.

Issue summons upon all remaining C.S. witnesses.

B.C. to comply.

contd. 324

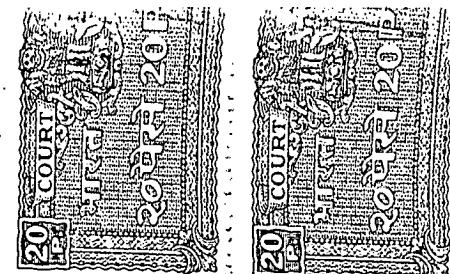
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Date of delivery of the requisite stamps and folios

Date on which the copy was ready for delivery.

Date of making over the copy to the applicant, ৪২



-:: ৩২ ::-

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Clerk-in-Charge  
Date of the S.D.J.M/G.J.M  
Sahibganj ১৪.৫.১৪  
8/6/20

জামিন প্রাপ্ত ঘোট ৪ জন আসামী অব আদালতে উপস্থিত আছেন।

সামীর সমন জারী হইয়া ফেরৎ আসে নাই এবং কোন সামীও আজ উপস্থিত নাই।

সরকারী সহ আইনজীবি একটি দরখাস্ত করিয়া সময়ের আবেদন করিয়াছেন।

শুনলাম, বিবেচনা করলাম। অভিযোগ পক্ষকে যথেষ্ট সময় দেওয়া হলো।

আরো সময় দিলে মামলা কোন দিন শেষ হবে না।

আবেদন নাম্বুর করা হইল। আসামীগণকে ফোঁ: কা: বিধির ধারা ১৪৩  
যতে জিজ্ঞাসাবাদ করা হইলো। তাহারা নিজেকে নির্দেশ বলে কিন্তু কোন সাফাহ সাফী  
দিতে অস্বীকার করেন।

ইরাজী ১৬.৫.১৪ তাঃ ধার্য রহিল যুক্তি তর্ক এর জন্ত ॥

সুন্দর :: যস্পতি ॥  
বিচারক ॥

১৬.৫.১৪ :: জামিনে প্রাপ্ত ঘোট ৪ জন আসামী অব আদালতে উপস্থিত আছেন।  
উভয় পক্ষের বিদ্যুন উক্তিল বাবুর স্থূল যুক্তি তর্ক শুনলাম।

জামি রায় আজকেই ২ টার সময় দেব। আসামীগণকে ২ টার সময়  
উপস্থিত থাকার নির্দেশ দেওয়া হচ্ছে ॥

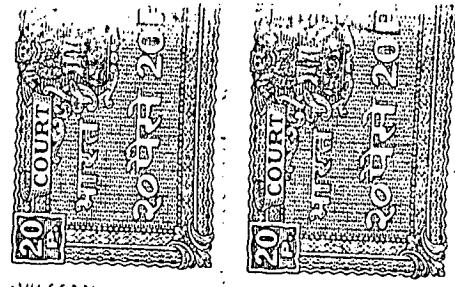
সুন্দর :: নরেন্দ্র রাঘু ॥  
বিচারক ॥

পরবর্তী ::

২৬.৫.১৪ :: ডাকিয়া ঘোট ৪ জন আসামীকে উপস্থিত পাওয়া গেল।

রায় নেথা হল। রায়ের অনুলিপিতে সই এবং তারিখ লিখে থোনা  
আদালতে রায় ঘোষণা করা হলো।

জামি যে আদেশ দিলাম,



Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery.	Date of handing over the copy to the applicant.

৪৩

আদেশ

আসামী নরেন বৈশ্যা, রমেশ দাস, রামাবলী রবিদাস, সুনিল ভৌমিক ভারতীয় দণ্ডবিধির ৪৬। ৩৭২ ধারা মতে দোষী পাওয়া যায় নি। তাহাদেরকে জ্ঞান বিধির ১৪৮(১) ধারা মতে নির্দেশ বনিয়া ধানাস দেওয়া হইলো এবং তাহাদেরকে জমিনের বর্ধন থেকে মুক্তি দেওয়া হইলো ॥

Typed by-

Rabindra Sankar Datta  
(Rabindra Sankar Datta) ৪/৬/৭৮

সুন্দর :: নরেন্দ্র রামাই,  
বিচারক, আলিপুরদুয়ার ॥

টাইপকারক ::

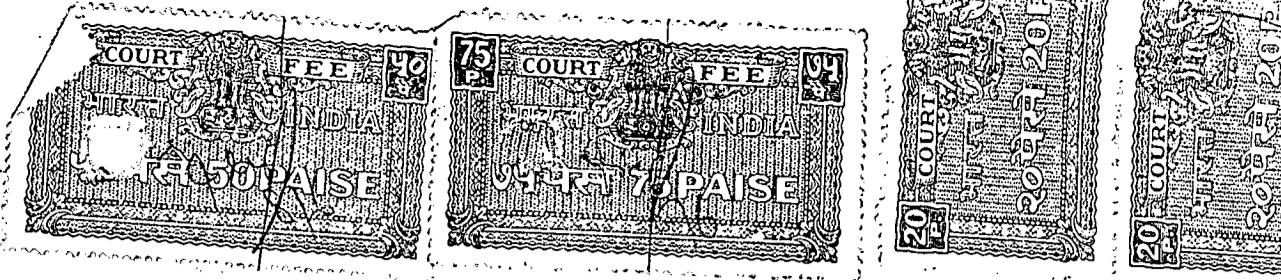
কুমুদ মন  
(কুমুদ মন) ॥

CONFIRMED BY  
Tapan Goswami  
COMPASSION CLERK  
৪/৬/২০০০

CONFIRMED TO BE A FAIR COPY

Hafiz  
Clerk No. 1/1/1  
S. D. 3 M. S. Court, Itaipu  
Authorised 1/1/1976

৪/৬/২০০০



Date of application of the copy	Date for fixed notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the
22/5/2000	—	22/5/2000	08/6/2000	01/6/2000

SEEN  
Sd. Illegible, SDJM, Apd  
29.10.78.

G.R.NO.640/78

Charge Sheet

Charge Sheet No.10 dated 6.10.78  
In first information No.2 dated 2.6.78.

District- Siliguri G.R.P.

Police Station- Alipurduar Jnc.G.R.P.S.

Date fixed for trial: To be fixed  
by the Court.

1. Name, address & occupation of complainant/Informant :

Shri S.B.Biswas, I.P.F. Alipurduar Jnc. G.R.P. F.Post.

2. Names and address of accused persons not sent up for trial,  
whether arrested or not arrested including absconders :

...NIL...

3. Names and addresses of accused persons sent up for trial :  
In custody

On bail or recognizance

1. R.K.Naren Baishya of Alipurduar R.P.F. Post.

2. R.K. Romesh Chandra Das s/o late Jiban Ch.Das  
of do.

3. S.R.K. Phanindra Goyari of do.

4. R.K.Rambali Rabi Das of do.

5. S.R.K. Sunil Bhowmick of do.

4. Property:-

...NIL...

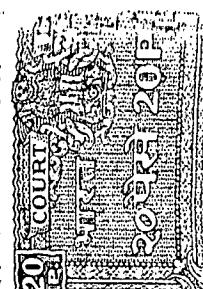
5. Names and addresses of witnesses :-

contd....2

*Case be abated vide  
Order dt. 1.2.93*

20 PESI 20 PAISE

20 PESI 20 PAISE



Date of application of the copy	Date for fixed notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

TRUE COPY  
S. B. Biswas  
Clerk in Charge  
Case of S.B. Biswas  
Balgaon  
8/6/1978

-:: 2 ::-

5. Names and addresses of witnesses :-

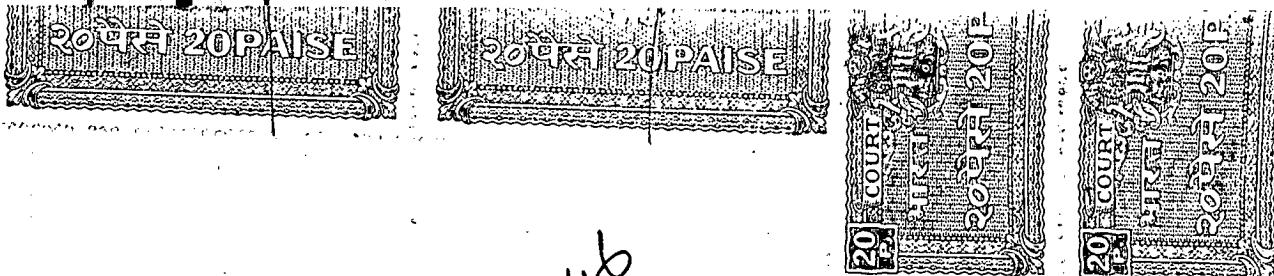
1. Shri S.B. Biswas, I.P.F. of Alipurduar Jn., RPS Post.
2. R.K. Narohari Kakuli of do.
3. A.S.I. Patitosh Mukherjee of do.
4. R.K. Pares Ch. Rai of do.
5. A.S.I./P.F. Sadananda Roy of do.
6. SIPF K.K. Sen of do.
7. S.I. K.P. Roy O/C Alipurduar Junction G.R.P.S.

The above noted witnesses may kindly be summoned.

6. Charter or information :-

The fact of the case in brief is that on 2.6.78 at 2300hrs S.B. Biswas I.P.F. , Apd.Jn. handed over a written complaint to the effect that on 27.3.78 at 21.00hrs Wagon No. NEC-52622 containing sugar arrived at Apd.jn. Yard by UP 757 goods have with covered condition and laying in the Yard on 1.6.78 at about 04.30hrs the road duty R.P.F. A.S.I. found the above wagon that the scote door is tempered condition. He reported the fact to I.P.F. Apd.jn. who visited and examined the seal and found tempered. Protect seal applied and kept for checking on 1.6.78 at 08.30hrs the protect seal including tempered seal found missing.

During enquiry it is disclosed by the R.K. Ram bali Rabi Das that theft of sugar.. contd....3



46

93

Date of application of the copy	Date for fixing notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios	Date on which the copy was ready for delivery	Date of making over copy to the applicant the

-:: 3 ::-

of sugar bags were committed by R.K.Naren Baisya, R.K.Ramesh Das, S.R.K. Phanindra Goyari on the night of 30/31-5-78, while he went to later charge of his duty. The .....of the wagon was checked and found 7 bags of sugar short. On this issue I started the case and took up investigation.

During investigation of the case. I examined witnesses visited the P.O. etc. A prima facie case U/s 461/379 has been well proved against the accused persons noted in col-3. I consulted the case with my superior and P.P. Cooch Behar who opined that to submit Charge Sheet against the person noted in col.3.

So, I am submitting the C.S. against all the accused persons noted in col.3 to stand their trial in the open Court of law. The witnesses may kindly be summoned.

Submitted,  
Sd. Illegible, O/C Apdjn. G.R.P.S.  
6.10.78.

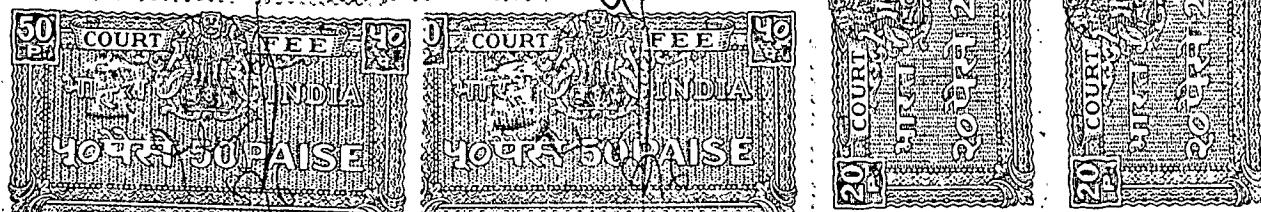
Typed by :-

Rabindra Sankar Datta  
(Rabindra Sankar Datta)

COMPARED BY  
Rabindra Sankar Datta  
COMPARING CLERK  
8/6/2000

REGARDED TO BE A TRUE COPY

G. Ray  
Court Clerk  
S. D. L. M. A. Court, Durgapur  
Witnessed 8/6/1978  
8/6/2000



Date of application  
the copy.

the requisite number of  
stamps and folios

requisite stamps and folios

was ready for delivery.

Delivery copy  
copy to the applicant,

22/5/2020

22/5/2020

08/6/2020

9/6/2020

॥ বিচার বিভাগীয় ম্যাজিস্ট্রেট, প্রথম আদালত ॥

আলিপুরদুয়ার, জেলা :: জনপাইগুড়ি

জি.মা.র.কেস নম্বর :: ৬৪০।৭৮

সরকার ..... ব না য ..... ১) আর.বি. দাস ও অন্যান ॥

আইনের ধারা :: ভারতীয় দণ্ড বিধির ধারা ৪৫।৩৭১।

রায়

আমাদীর বিবৃত্তি অভিযোগ আছে যে রেলওয়ে ওয়াগন নং এন.ই.সি.

৫২৬২২, চিনির ১৭২ বস্তা সহিত আলিপুরদুয়ার জেলার এসে ইয়ার্ড দাঁড়িয়ে থাকে।

ইং ১০.৬.৭৮ তার এ.এস.আই. পরিতোষ যুথাজী সেই ওয়াগন ২২নং নাইনে পায়।

উনি পান যে সেই ওয়াগনে দুর সিল (Seal) টা অনধিকার হস্তক্ষেপ (Tamper with)

করা হয়েছে। উনি সেই ওয়াগন পরীক্ষা করেন এবং প্রোটেক্সন সিন দেন। পরে প্রোটেক্সন সিল, ট্যাম্পার্ড সিল, ইন্ট্যাক্ট সিল দেন। পরে প্রোটেক্সন সিল, ট্যাম্পার্ড সিল, ইন্ট্যাক্ট সিল হারিয়ে গেছে বলে পরেশ চন্দ্র রায় সংবাদ দেয়। ওয়াগনে আবার

প্রোটেক্সন সিল দেওয়া হল। রামবালী রবি দাস (রফক) সুরক্ষার করেন যে সেই চিনি

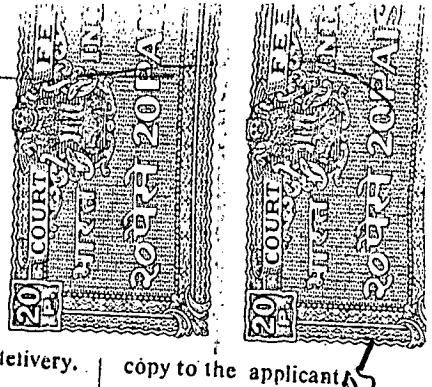
ওয়াগন থেকে থেকে নরেন বৈশ্যা, রমেশ দাস, ফরিদ্দু জুবারী, চুরি করেছেন।

তদন্ত শেষ হবার পর রফক নরেন বৈশ্যা, রমেশ দাস, ফরিদ্দু গুমালী, রামবালী

রবি দাস, সুনিল ডোমিক এর বিবৃত্তি অভিযোগ গত দাখিল করা হয়।

যামনা চলাকালিন আমাদী ফরিদ্দু গুমালী মারা যান। অন্ত ৪ জন রফক  
আমাদীরা ভারতীয় দণ্ডবিধির ৪৫।৩৭১ ধারা মতে বিচারধীন আছে।

বাদী পক্ষের সাথী হবার পর আমাদীর মোঃ কাঃ বিঃ ধারা ৩১৩ মতে জিঙ্কাসা  
বাদ করা হয়। তাহারা নিজেকে নির্দোষ বলে কিন্তু কোন সাফাই সাফাই দিতে অসীকার  
করেন।



Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios	Date of delivery of the requisite stamps and folios	Date on which was ready for delivery.	copy to the applicant

( ১ )

### নিষ্পত্তির বিষয়

বিষয় নং ১  
তারিখ  
১৫/৬/২০০৭  
নথি নং ১  
নথি নং ১  
নথি নং ১

- ১) কি আসামীরা ওয়াগন নং এন.ই.পি. ৫২৬২২ আসু উদ্দেশ্যে ভেঙে ছিলো ?
- ২) কি আসামীরা সেই ওয়াগন থেকে ৭ বশা চিনি চুরি করে ছিলো ?

### কারণ সংজ্ঞ রাখ

প্রথমেই বলি যে, যে মামলায় তদন্তকারী আধিকারিককে পরিষ্পত্তি করা হয়েছিলো।

অভিযোগপত্রের সাফি নং ১ বলেন যে উনি ওয়াগন নং এন.ই.পি. ৫২১০০ ইয়াডে নং ১২ তে পেলেন। উনার সন্দেহ হলে যে ওয়াগনের সিল লেবেল আধিকার হস্তান্তর হয়েছে। উনি ইস্পেক্টরকে খবর দেন। ইস্পেক্টর ঘটনাস্থলে আসেন এবং পরীক্ষা (Check) করেন। পরে একটি কার্যরত সিপাহী বলেন যে গ্রোটেকশন সিল এবং টায়িপার্ট সিল সরানো হয়েছে। তাহারা জংগলে গিয়ে জবেসন করেন কিন্তু কিছু পাওয়া যায় নি।

সাফি নং ২ সেই রকম সাফি দেন।

সাফি নং ৩ বলেন যে ১০.৫.৭৮ তারিখ আসামী নরেন বৈশ্যা, রমেশ দাস, রামবলী রবি দাস, কর্তৃত্বাত্মক ছিলেন। ২ টার সময় থেকে ১০ টা সময় পর্যন্ত নরেশ দাস এবং রমেশ এর ডিউটি (Duty) ব্র্যান্ড করা হয়েছিলো ১০ টা সময় পর রামবলী তাহাদের জায়গায় আসার কথা ছিলো। ১০.৫.৭৮ তারিখ ভোর ৪.০০ মিঃ উনি খবর গান্থ যে একটি ওয়াগন যেখানে চিনি ছিলো কিছু গন্ডোগোল হয়েছে। উনি সেখানে যান এবং তদন্তের সময় লক্ষ করেন যে 'ইক্সেলিং টেপ' চাতুর্য ভাবে আবার সিল করা হয়েছে।

..... ০ .....

Date of application for the copy.

Date fixed for notifying the requisite number of stamps and folios

Date of delivery of the requisite stamps and folios

Date on which the copy was ready for delivery.

Date on which the copy to the applicant, ১০

( ০ )

পৃষ্ঠা - ২০

উনি ওয়াগনের দুরে প্রোটেকশন সিল দিয়ে ওয়াগনটা আটক করেন অব্বেশন করার জন্য, পরে সেই দিন উনি দেখতে পান যে প্রোটেকশন সিল সরানো হয়েছে। উনি আবার প্রোটেকশন সিল দেন। ১০.৩.৭৮ তারিখে ওয়াগন সত্ত্ব প্রতিপাদক করা (০০.ছেঁড়া) অব্বেশন করা হয় এবং ৭ বক্তা চিনি কর্ম পাওয়া গেলো। তখন রামবলী রবি দাস বলেন যে নরেন বৈশ্যা, রমেশ দাস, ফনীন্দ্র গুম্বানী সুনিল তৌমিক এবং বাখিরের অন্ত দুই জন লোক চিনি চুরি করেছেন। উনি উনার বিবৃতি লিখেন এবং ৫ মি, ডি.আর.পি., আলিপুরদুয়ার জংসরকে তদন্তের জন্য দেন।

রামবলী রবিদাস যে বিবৃতি সামী নং ০ কে দেন সেই বিবৃতিটা আদানতে পর্দমিত করা হয়নি। যে ছাড়া কোন সাম্য আসামীদের বিরুদ্ধে পাওয়া যাছে না। যে হেতু আসামীরা সেই সময় কার্যরত ছিলেন একটা সন্দেহ হয় যে তাহারা এই চুরির সঙ্গে জড়িত ছিলেন। কিন্তু সন্দেহ মতে বড়ো হোক না কেনো সামীর স্থান নিতে পারে না। এটা চিক যে আসামীরা কর্তব্যের অবহেলার (Dereliction of duty) জন্য দায়ী আছে। সেই জন্য রেলওয়ে বিভাগ তাহাদের বিরুদ্ধে বিভাগীয় যামনা করতে পারে।

প্রকৃত ঘটনা, সামী বিবেচনা করে ~~আমী~~ আমি যনে করি যে, রামবলী রবি দাস, সুনিল তৌমিক ডাঃ দঃ বিঃ ধারা ৪৫। ৩৭১ যতে দোষী পাওয়া যায় নি। তাহাদেরকে ফোঁ: কাঃ বিঃ ধারা ২৪৮(১) যতে নির্দোষ বলিয়া খালাস দেওয়া হইল এবং তাহাদের আমিনের ব্যবস্থা থেকে যুক্তি দেওয়া হইল। অভিযোগ পক্ষ আসামীর বিরুদ্ধে কোন অভিযোগ সিদ্ধ করতে পারে নি।

সেই কারণে আমি আদেশ দিলায় যে,  
আ দে শ

আসামী নরেন বৈশ্যা, রমেশ দাস, রামবলীর দাস, সুনিল তৌমিক ডাঃ দঃ বিঃ ধারা ৪৫। ৩৭১ যতে দোষী পাওয়া যায় নি। তাহাদেরকে ফোঁ: কাঃ বিঃ ধারা ২৪৮(১) যতে নির্দোষ বলিয়া খালাস দেওয়া হইলো এবং তাহাদেরকে আমিনের ব্যবস্থা থেকে যুক্তি দেওয়া হইল।

টাইপকারক :: (কৃত্তল সেন)

Ranindra Prakash Mitra

স্বাক্ষর :: নরেন্দ্র রাই,  
প্রথম শ্রেণী জড়িশিয়াল যাজিষ্ট্রেট  
৫। ৬। ৭। ৮। আলিপুরদুয়ার । ২৩.৫.১৪।