

Sessions Case No. 23/2021
Reg No.23/2021 (CNR No.WBBB01-000288-2021)

30
14.03.2023

Today is fixed for production and further cross-examination of PW-05.

All the three accused persons are produced from J/C. They are taken into custody and remanded to J/C till 11.04.2023.

One petition is filed on behalf of the witness PW-05 Nilmadhab Patar seeking adjournment on the ground that he is sick.

The petition for adjournment is taken up for hearing.

Heard the Ld.advocate for the witness Nilmadhab Patar and Ld.PP-in-charge.

Ld.advocate for the defence raises objection on the ground that on 09.02.2023 also Nilmadhab Patar took adjournment being sick. No medical paper is filed in support of his claim.

Considered.

Contd.....

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Order no.30(contd.....)

Record reveals that cross-examination of PW-05 Nilmadhab Patar was deferred at the instance of the defence. Be that as it may fact remains that no medical document is filed in support of his prayer. However, considering the ground for adjournment prayer for time is allowed as last chance.

PW-05 Nilmadhab Patar is directed to appear before this court on the date fixed for recording cross-examination. He is further directed to submit medical paper in support his prayer of illness by the next date.

At this stage one petition for bail is filed on behalf of the accused Subhas Ghosh. Let the same be kept with the record.

Ld.PP-in-charge and Ld.defence counsel are present.

The petition for bail, filed on behalf of the accused Subhas Ghosh, is taken up for hearing.

Heard the Ld.advocate for the accused who submits for bail on the ground that this applicant is in custody since 30.09.2021. The material witnesses have already been examined and cross-examined. Even after scrutiny the oral evidence of material witnesses nothing could be inferred against the accused Subhas Ghosh and as such the prayer for bail may be allowed on any terms and conditions.

Ld.PP-in-charge raises objection as the trial is going on in full swing.

Perused the case record including the deposition of witnesses.

Considered.

On minute reading of the evidence of PW-01 Kajal Patar I find direct allegation of murder against this accused. Alike PW-01 PW-02 has also claimed that Gopinath Patar was murdered by Bacchan Ghosh and his family members. This applicant happens to be the brother of Bacchan Ghosh. PW-04 has also splashed the allegation of murder against all the accused persons. From the statement of witness Nilmadhab Patar recorded u/s 164 Cr.P.C. I find the presence of this applicant with victim and the principal accused Bacchan Ghosh. Considering all these, I am not inclined to enlarge this accused on bail at this stage.

So prayer for bail for accused Subhas Ghosh stands rejected.

Fix 11.04.2023 for production and cross-examination of PW-05 Nilmadhab Patar.

Fix 17.04.2023 for evidence of CSW no.6.

Fix 18.04.2023 for evidence of CSW no.7.

Issue summons accordingly.

Dictated and corrected

A.S.J. 4th Court, Suri

Additional Sessions Judge,
4th Court, Birbhum at Suri
JO Code-WB00646