

Order No.36
19-07-2024

Today is fixed for further evidence on behalf of the prosecution (CSW no.27). The sole accused Sohel Mardi is produced from J.C. CSW No. 19 ASI Golok Ghosh is present. Ld. Panel PP is also present and files hazira. The CSW No.19 ASI Golok Ghosh is examined, cross-examined in full as P.W-15 and discharged.

During the course of examination in-chief of P.W-15, the carbon copy of inquest report and the carbon copy of dead body challan are marked exhibit- 4/1 and 10 respectively. The Ld. Counsel for the prosecution submits before the court that the I.O (CSW No. 27) has expressed his inability to attend the court on this day and prayed for accommodation. It is further stated that the CSW No.15 being the medical officer, is a vital witness, but he has not appeared before the court despite receipt of summons from the court.

The CSW No. 15 happens to be the Dr. Sadakkas who was the then Assistant Professor of Rampurhat Medical College and Hospital. Apparently, Dr. Sadakkas had examined the victim when he was initially brought before the hospital and declared him clinically dead. Further, it was he who had referred the patient for postmortem examination. Consequently, the CSW Nos. 15 is a vital witness who had the opportunity to examine the victim first hand. The Ld. Counsel for the prosecution invites the attention of the court towards summons sent to the CSW No.15 through the CMOH, Rampurhat. All the aforesaid summons bear the endorsement that summons have been received by the office of the CMOH, Rampurhat. However, it is impossible to ascertain from the S.R, whether summons have in fact been served upon the CSW no.15. Unfortunately, this is not the only instance where the court has noticed that summons have been issued and received by the office of the CMOH, Rampurhat but the witness in question has failed to turn up.

Conspicuously, this is a case u/s 302 of the IPC. Considering the gravity of the offence, I urge the CMOH, Rampurhat to take proactive measures for causing service of summons upon the witnesses in general and in the present case, upon Dr. Sadakkas.

Let a copy of this order be sent to the CMOH, Rampurhat for information and necessary action.

To 13-08-2024 for examination of Dr. Sadakkas (CSW no.15)

To 14-08-2024 for examination of S.I Indranil Sarkar (CSW No. 27 posted at
Md.Bazar P.S.

(Dictated & Corrected by me)

Sd/- S.R.Chowdhury
Additional Sessions Judge,
Rampurhat, Birbhum
J.O Code no. WB00885.

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