

Order No. 35  
Dated 11.01.23

Both the accused persons on bail are present.

Today is fixed for hearing argument.

At this stage, Id Spl P.P. in charge, Mr. Amiya Chakraborty files a petition praying for leave to produce the original birth certificate through PW-4 to get the same as Exhibited evidence. Copy served.

Heard both sides.

Mr. Chakraborty submits that the birth certificate was seized by the Investigating Officer during investigation but later, it was returned to the father of the survivor on his furnishing a zimmanama. He fairly submits that due to oversight and inadvertence, the said document was not produced during trial. The document is vital for a just decision in a POCSO Case.

Ld counsel for the accused, Mr. Purnananda Banerjee does not oppose the prayer.

Having considered the submissions of both sides and having perused the materials on record, this court is also of the view that the document being the original birth certificate of the survivor is an essential document for just and effective decision of this case.

Hence, the prayer is allowed in view of section 311 Cr.PC.

The case record is now taken off from the stage of argument. The PW-4 namely, Jitendranath Layek has produced the original birth certificate of the survivor and he is reexamined for that purpose by the prosecution and also re-cross-examined by the defence, and discharged. The birth certificate is marked as Ext. 10 through him.

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Now, the defence files a petition stating that the certificate of the deposition and other relevant papers have not yet been supplied to him although the application was filed much earlier, and thereby prays for an adjourned date.

Considered. The prayer is allowed.

The argument hearing stands adjourned.

Fix 14.02.23 for argument.

Dictated & Corrected

Judge, POCSO Court, Bankura

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