

Order No. 04
dated 04.06.24

The accused persons namely, Amrit Ruidas, Pintu Ruidas, Namita Ruidas, Biseswar Ruidas and Maheswar Ruidas are produced from j/c.

The appointment order of DLSA, Bankura signed by Secretary, DLSA, Bankura is received. From which it appears that Id Advocate Mr. Amitava Ghosh has been appointed to defend the accused Amrit Ruidas in connection with this case.

Ld Spl P.P., Mr. Bivas Chatterjee and the Id defence counsel Mr. Amitava Ghosh both are present. Ld defence counsel filed the appointment order by firisti and let it be kept with the record. Ld defence counsel admitted that he has received the copies of documents from the Prosecution. The prosecution filed a receipt regarding receiving of documents by the defence counsel. Let it be kept with the record.

At this stage, Id Spl P.P. filed a petition u/s 311 Cr.PC stating interalia that - 1) Chairperson, Bankura Municipality; 2) C/176 Tapan Kumar Singha; and 3) Sandipan Chowdhury are required to be examined and those witnesses have played an important role in this case.

Ld Spl P.P. submitted that the Chairperson, Bankura Municipality has attested certain documents and as such his examination is necessary for proving those documents. Next submitted that C/176 Tapan Kumar Singha is one of the seizure list witnesses of this case and Sandipan Chowdhury is the expert who extracted the video from the mobile of CSW 23 in presence of CSW 24, but those witnesses have not been arrayed as a CS witnesses in this case. Their examination is necessary for just decision of this case to bring out the real truth of this case. Ld defence counsel raised objection against the prayer of the prosecution.

Heard both sides. Perused the record together with the CD and it appears that the documents were attested by Chairperson, Bankura Municipality which are lying with the CD. That apart, C/176 Tapan Kumar Singha is one of the seizure list witnesses of this case. From the order dated 05.03.2024 of Id Judicial Magistrate, 4th Court, Bankura, of this case (GR 1704/2023) it transpires that in presence of Id Judicial Magistrate, 4th Court, Bankura, the video extraction was made with the help of expert Sandipan Chowdhury.

Now, considering the facts and circumstances of the case, I am of the view that for just decision of the case the examination of the above witnesses as prayed by the prosecution is necessary and accordingly, the prayer u/s 311 Cr.PC is hereby allowed.

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Ld Spl P.P. also filed a petition stating interalia that till the date the FSL report has not yet been received which have been sent to the State Forensic Science Laboratory on 10.01.2024. The receipt shows that the file number was SFSL(WB) /219/BIO /73/24 and that was received on 10.01.2024 by the concerned office State Forensic Science Laboratory.

Heard both sides. Considered.

The IC, Bankura is hereby directed to collect the FSL report from State Forensic Science Laboratory and submit the same before the court by the next date.

Let a copy of this order be sent to the IO of this case for compliance.

The ld Spl P.P. filed a list of witnesses to be examined by the Prosecution. Let it be kept with the record.

Fix 04.07.24 for evidence of CSW no. 13 and 14
06.07.24 for evidence of CSW no. 26 and 28
08.07.24 for evidence of CSW no. 2 and 21
09.07.24 for evidence of CSW no. 1 and 5
10.07.24 for evidence of CSW no. 23 and

Chairperson, Bankura Municipality.

Prosecution is directed to produce the witnesses on the date fixed.

Produce the accused persons on the date fixed.

Dictated & Corrected

A.S.J., 2nd Court, Bankura.

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