

**S.C. Case no. 79 of 2019**

**Order no. 17**

**Dated. 21.01.2021**

Out of three accused persons on bail accused Sumanta Malgope and Krishnapada Malgope are present whereas accused Sumitra Malgope files a petition praying for her personal appearance being dispensed with U/s. 317 Cr.P.C.

Today is fixed for hearing argument. The prayer for dispensing with personal appearance as above is considered and allowed.

At this stage the Ld. P.P in-charge files a petition praying for the case being taken off from the stage of argument and refixed for examination of C.S.W no. 8 Dr. Chandra Sekhar Prasad and the second I.O S.I Gagan Baisnab who have been left out from being examined as witnesses in this case. Ld. P.P in-charge submits that their evidence is necessary for complete and effective judgment of the case.

Ld. Defence Counsel opposes the prayer on the ground that the evidence of the case was closed one year ago and such prayer after examination of the accused persons U/s. 313 Cr.P.C is not maintainable.

I have perused the case record and I find that those two C.S witnesses have been left out and I find that C.S.W 11 S.I Gagan Baisnab in course of investigation seized the broken and damaged Hero Honda motorcycle under a seizure list dated 02.03.2019 and the said seizure list has not yet been marked as exhibit in the case. The said seizure is also followed a zimmanama which is also remained unexhibited. Furthermore, from the evidence of P.W 6, I find that the B.H.T of Sarathi Malgope has been marked as Ext. 4 but Dr. Sudhangshu Sekhar Sarkar specifically deposed that only pone page of the B.H.T is under his hand writing. Therefore, I find merit submission of the Ld. P.P in-charge to allow the prayer for adducing further evidence in the interest of complete and effective decision in the case in hand.

Accordingly, the prayer is allowed. The case is rescheduled for recording evidence on 12.02.2021. Issue summons upon C.S.W no. 8 and 11. Accused shall remain as before.

***Dictated & Corrected by me***

***A.D.J.(R), Bankura***

***Addl. District & Sessions Judge,  
(Redesignated) Court, Bankura***

***21.01.2021***

