

ST 11(03)2022

CNR- WBBK090000172022

Order 54

Dated. 13.03.2024

Today is the date fixed for production of the accused persons from Bankura District correctional Home and prosecution evidence.

Accused persons are produced from Bankura District correctional Home.

One witness namely Tapan Mudi is present.

Learned Special public prosecutor in charge of this case is present.

Learned advocate for the accused persons is present.

Learned special public prosecutor in charge of this case has filed a petition accompanied with photocopy of seizure list dated 23.04.2023 praying for calling visitors register of Sarda Lodge for the period dated 02.10.2021 to 05.10.2021 from I/C Hirbandh police Station, as said register has been seized in connection with Hirbandh Police Station case number 28 of 2023 dated 21.04.2023 under sections 376/417/313 of IPC.

On consent of both sides the said petition filed by prosecution is taken up for hearing.

Learned special public prosecutor in charge of this case has submitted that present witness , is the witness of seizure of visitors register maintained at Sarda lodge between 02.10. 2021 to 05.10.2021 but said register has not been produced today because the said register has been seized by police in connection with Hirbandh police Station case number 28 of 2013 dated 21 .04.2023 . He prays for directing in-charge Hirbandh Police Station to produce the said register on the next date fixed as said register is one of the important material in this case. He has further submitted that the present witness is no more Manager in the Sarda Lodge . He prays for permitting him not to examine the said witness till production of the said register .

Learned advocate for the accused persons has objected the said prayer of the prosecution and submitted that allowing this petition of prosecution will delay the trial of this case. He prays for rejecting the said petition of the prosecution.

I have heard the submission of the learned special public prosecutor in charge of this case and learned advocate for the accused persons and perused the records. From the records of it is revealed that the present witness is witness of seizure of the visitor register and without production of the said visitor register, it will not be just to examine the present witness. In this circumstances , prosecution is permitted not to examine this witness till production of the said visitor register. From the contents of the petition filed by prosecution and photo copy of seizure list a list dated 23.04.2023 it is revealed that one register has been seized from Manager Sarda Lodge in connection with Hirbandh Police Station case number 28 of 2023 dated 21.04.2023 under sections 376/417/313 of IPC. Considering the submissions of learned special public prosecutor in charge of this case and materials

on records, I am of the view that for proper adjudication of this case it is necessary to look into the visitors register of Sarda Lodge for the period 02.10. 2021 to 05.10.2021 , hence officer in charge Hirbandh police Station is directed to produce the said register on 16.03.2024 .

With the above observations petition dated 13.03.2024 filed by prosecution is allowed.

To date(16.03.2024) for production of the accused persons, prosecution evidence and compliance by O.C. Hirbandh Police Station.

Let copy of this order be sent to the officer incharge Hirbandh police Station for compliance.

J.O. Code WB01399