

Special Case No.- 15/11
Reg No.26/14
CNR No. WBCS01 000720-2011
Order No.117
Order dated 10.12.25

Today is fixed for hearing the petition for recalling PW4 objection, if any, in the meantime.

Accused no. 5 Biswajit Saha is present by filing hazira.

Accused no.1 K.L. Roy, accused no. 4 Putul Gogui , accused no. 7 Baharuddin Ahmed and accused no. 6 Md. Tasimuddin Ahmed are absent by petition u/s 317 CrPC.

Ld. PP for CBI as well as Id. Advocates for accused are present.

The petition filed by Id.PP for CBI for recalling the witness no.4 is taken up for hearing.

Ld. PP for CBI submits that during his examination in chief the PW4 has stated that he handed over the personal file of KL Roy to the CBI officer during investigation which was marked as exhibit 9 (subject to proof) but on subsequent statements, he has mentioned the name of the accused person as Kanti Lal Roy.

It is further submitted that on the personal file a paper has been affixed as personal file of Kanai Lal Roy.

According to the Ld PP for CBI the name of the accused person is mentioned as KL Roy, Kanti Lal Roy and Kanai Lal Roy which is required to be clarified by recalling the witness.

Ld. Advocate for the accused Kanai Lal Roy raised vehement objection and submits that during cross examination a question was asked whether he has stated before the investigating officer that Kanti Lal Roy used to work as Assistant Divisional Finance Manager in Tinsukia Division to which the witness answered in affirmative.

It is further submitted that the witness in his entire examination in chief has either stated KL Roy or Kanti Lal Roy and that name was also mentioned before the investigating officer.

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According to the Id. Advocate for the accused Kanai Lal Roy to record the evidence after mentioning the name of the accused as Kanai Lal Roy is required to re-evaluation of the entire evidence adduced by the PW4 and in case the petition filed by the Ld. PP for CBI is allowed the accused No.1 Kanai Lal Roy will be prejudiced.

I have gone through the entire deposition of PW4 recorded on 20.11.25. At the time of identification of the personal file on dock, the witness has mentioned that the personal case file is of Mr. KL Roy whereas in the entire deposition he has mentioned the name of the accused person as Kanti Lal Roy.

On the head note of exhibit 9 which is still not proved in accordance with law and willing to rely on by the prosecution as well as by the accused no.1 the name of the accused person is mentioned as Kanai Lal Roy. Whether Mr. KL Roy mentioned in the evidence of PW4 is stood for Kanai Lal Roy or Kanti Lal Roy is a point of interpretation by the respective parties. In case the PW4 is re-examined and he is allowed to adduce evidence to say that Kanti Lal Roy and Kanai Lal Roy are same and identical person, then the entire evidence adduced by him is required to be re-examined.

Considering all these aspect, I am of the view that since the entire matter will be determined on the basis of interpretation of the word KL Roy mentioned in the evidence of PW4 twice, it requires no further clarification and interpretation may vary as per wisdom of Ld. PP for CBI as well as Ld. Advocate for the accused No.1. I left the matter of interpretation to the Ld. PP for CBI and the Id. Advocate for the accused person at the time of argument but at this stage, I found no merit in the petition for re-examination of PW4 and accordingly same is rejected.

To 25.03.26 for evidence.

Issue summons accordingly.

Accused must remain present on the next date.

Sd/-
Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta