

Sessions Case No.04 of 2022
CNR No. WBCS01-000085 of 2022

Order No.22 dated 06.04.2024 :-

Today is fixed for production of the accused persons from J/C, further evidence of PW 5 and order in respect of petition dated 05.03.2024.

All the five accused persons are produced from J/C and placed on dock.

The Ld. P.P. and the Ld. Advocates for the accused persons are present.

Witness namely, Pradip Kumar Gupta, is present who is examined in chief in full as PW 5. Cross-examination of PW 5 is deferred in view of order dated 20.12.2023 whereby the petition u/s 231 of Cr.P.C. dated 30.11.2023 filed by the accused Kanhaiya Kumar Jha was allowed.

Petition dated 05.03.2024 is taken up for order.

In the instant petition prayer has been made to return and send all the exhibits to the Ld. Additional District & Sessions Judge, Bench – II, Calcutta which are required for the trial of SC 15/2022 pending before the said Bench.

Ld. Advocates for the accused persons raised strong objection against such prayer on the ground that the original exhibited documents will be required at the time of cross-examination.

It appears from the record that this Court by its earlier order dated 18.10.2023, while disposing of a similar petition filed on behalf of the prosecution, found it was unclear why some of the documents specified in the petition were required in SC 15 of 2022 as the certified copies of the exhibited documents were admissible in evidence. The prosecution without clarifying the reasons simply requested this Court at paragraph No.3 of the instant petition to send all exhibited documents to the Ld. A.D.J., Bench – II, Calcutta which are required for the purpose of SC 15 of 2022.

The instant petition, in my considered opinion, is devoid of any merit and the same is accordingly rejected on contest.

Fix **17.05.2024** and **18.05.2024** for production of the accused persons from J/C and further evidence.

All the original certified copies of the documents submitted from the side of the prosecution be returned to the Ld. P.P.

All the accused persons are remanded to J/C with a direction that they be produced before this court on the dates fixed.

The prosecution is directed to bring the next witnesses on the next dates.

Dictated & corrected by me.

Addl. Dist. & Sessions Judge
(WB00868)
2nd Fast Track Court, Calcutta

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