

Order No. 24

Date : 13.03.2014

Ld. P. P. files Hazira. Five accused persons on C. B. present in court by filing Haziras. Record is taken up for hearing the petition filed under Section 311 of Cr. P. C. by prosecution on 12.03.2014. Perused the petition. Considered. Heard both sides. Considered.

It is stated that on the basis of two written complaints, the formal F. I. R. has been drawn, it is required to be exhibited. Further the photographs which have been marked as Mat. Exts are also required to be placed before P. W. 3. On this ground, prosecution prayed for recalling P. W. 3.

On perusal of evidence of P W. 3, I find that in his examination in chief, he only stated that after going to P. S., he lodged a written complaint, and then he asked lawyer to write the complaint and submitted another complaint for correction of the date of marriage of his daughter. The signature of the P.W. 3 in the complaint petition is marked Ext. 9 and Ext. 10 series. Nowhere P. W. 3 stated that from where the complaint letter dated 13.09.2011 and 22.09.201 were typed. Nor he stated that the letter was typed in his presence. So, now by recalling P. W. 3, the same cannot be marked as Exts. So, question No. A cannot be allowed. Coming to Question No. (b), prosecution is at liberty to show the photographs to P. W. 3 for just decision of the case.

Hence, it is,

O r d e r e d,

that petition filed under Section 311 of Cr. P. C. by prosecution on 12.03.2014 is allowed in part in respect of question No. (b).

To 11.04.2014 for examination of P W. 3 on recall.

Dictated & corrected by me.

Judge,

Addl. Dist. & Sessions

2nd F.T.C.
Bichar Bhavan, Calcutta.