

In the Court of the Addl. Dist. & Sess. Judge, 3rd Court, Balurghat, Dakshin Dinajpur.
Sessions Case No. 61 of 2023 (CIS No.61/2023)

CNR Number :WBDD01-000616- 2023 (JO Code : WB00779)

Present : Mr. M.K. Prasad

32/15-05-2024 The case is fixed for production(4), appearance(1) & evidence. Out of five accused persons, four accused persons are produced from J.C. and further remanded to J.C. till next date and rest accused Munni Singh on court bail is present. Ld. LADCS represents accused Rabin Singh & Manash Singh.

Ld. P.P.-in-charge (Debasis Ghosh Dostidar) is present but without any witness and RTM is received from SI Debasish Kundu regarding his absence today.

On the other hand, ld. P.P.-in-charge files a petition u/s.311 Cr.P.C. praying for considering SI Badal Kumar Das (U.D. Officer), Dr. Biswaranjan Metiya (PM Doctor), Inspector Shibendu Ghosh (2nd I.O.) and two Judicial Magistrates who recorded statement u/s.164 Cr.P.C. of the witnesses as they were not cited as witness in the charge sheet and they are necessary witnesses in this case from the side of prosecution. Petition is served upon other side. No objection is raised.

Perused the petition u/s.311 Cr.P.C. as well as the charge sheet and record.

It is found that these five persons have not been cited as witnesses in the charge sheet and the U.D. Officer/Inquest holding Officer, Doctor who hold Post Mortem and the 2nd I.O. are found necessary witnesses for prosecution to support the prosecution case as such the prayer for considering SI Badal Kumar Das (U.D. Officer), Dr. Biswaranjan Metiya (PM Doctor), Inspector Shibendu Ghosh (2nd I.O.) as witness stands **allowed**.

But the prayer in respect of considering two Judicial Magistrates as witnesses is hereby **rejected** as P.W. 3 to 8 have already proved their signatures on the respective statements u/s.164 Cr.P.C. which were recorded by two separate Magistrates.

Accordingly, the petition under section 311 Cr.P.C. is allowed in part on contest.

Issue summons upon (i) SI Badal Kumar Das (U.D. Officer), (ii) Dr. Biswaranjan Metiya (PM Doctor), (iii) Inspector Shibendu Ghosh (2nd I.O.)

ER of BWA against CSW- 6(Gopal Sarkar), 7(Nemai Das) are not yet received.

Issue reminder for ER of BWA.

To 12.07.2024 for ER of BWA & evidence of CSW- 6, 8 ;

& 16.07.2024 for ER of BWA & evidence of CSW – 7, 9 ;

& 18.07.2024 for evidence of SI Badal Kumar Das (U.D. Officer), Dr.

Biswaranjan Metiya (hold Post Mortem) ;

& **30.07.2024** for evidence of CSW- 26 & Insp. Shibendu Ghosh (2nd I.O.).

Issue summons. Accused persons, as before.

D/ C by me

ASJ, 3rd Court,
Dakshin Dinajpur.Balurghat,

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