

Accused Niranjan Sarkar on C.B is present. Another accused Kalpana Sarkar is absent by a petition U/s-317 of Cr.P.C. Their Ld. Advocate is also present. The Ld. PP-in-charge files two petitions one praying for collection of the Medical documents from different hospitals and another for altering the charge against the accused persons by adding Section 307 of IPC. Copy served.

Heard the Ld. Advocates for the respective parties. The application for collection of the medical documents is taken up for hearing.

The Ld. PP-in-charge submitted that the victim received treatment initially from Balurghat Hospital and therefrom he was transferred to Malda hospital and then to SSKM Hospital, Kolkata and M.R. Bangur Hospital, Kolkata. It is stated that the I.O namely S.I., Samir Mandal has only collected the report from Balurghat Hospital but no report of the other three hospitals have been collected by him and the injury report of the aforesaid three other hospitals are necessary for effective adjudication. He prays for direction upon the I.O to collect those medical reports at the earliest and produce the same before the court.

The Ld. Defence counsel did not raise any objection and submitted that if those documents are collected the copies of the same may be supplied upon his clients in advance. Therefore the petition is allowed.

The I.O is directed to collect all the medical documents from the aforesaid three other hospitals of Malda and Kolkata respectively and submit the same before the court on **15-05-2015**.

Let a copy of this order be sent to the I.O.

Now the application for alteration of charge is taken up for hearing.

It is stated by the Ld. PP-in-charge that the accused Niranjan Sarkar assaulted the victim by a Ramda and the victim sustained grievous injuries on his scalp and from the evidence of PW-1 already adduced, it appears that he had the intention to kill the victim. He also drew attention of the court to the Medical documents.

The Ld. Defence counsel on the other hand submitted that the charge can only be altered when sufficient materials are placed before the court and only on hearing of a single witness the charge may not be altered. Considered.

On perusing the materials available on record and on hearing the deposition it appears to the court that there is enough ground made out by the prosecution to alter the charge by adding Section 307 of IPC against the accused persons. Whether the prosecution would be able to prove the same is a matter to be decided at trial but for the purpose of effective adjudication such charge is required to be added. Therefore the petition is allowed.

To date i.e., on 02-04-2015 for framing of charge.

Accused is as before.

Dictated & corrected by me

Judge

Additional Sessions Judge, 1st Court,
Balurghat, Dakshin Dinajpur.

