

**In the Court of Additional District and Sessions Judge,  
Gangarampur at Buniadpur, Dakshin Dinajpur.**

**S.T No. 07 of 2016**

**Sess. Case 18 of 2015**

**Com. Reg. No. 89 of 2015**

**CNR No. WBDD05-000166-2015**

**Present- Smt. Melissa Gurung  
Addl. Dist. & Sess. Judge  
Gangarampur at Buniadpur,  
Dakshin Dinajpur.**

**60**

**15-05-2024**

Out of five (05) accused persons on C.B 02 (two) accused persons namely **Nirmal Mardi @ Tirku and Biswanath Murmu** are present by filing hazira. Other three (03) accused persons are absent by an application but praying for being represented by counsel u/s 317 of the CrPC.

The application is heard and allowed.

Ld. Addl. P.P-in-charge files hazira on behalf of the State and one witness i.e. the I.O of the case is also present in Court.

An application is filed by the accused praying for deferring the examination of the I.O on the ground stated therein.

The application is taken up for hearing.

Heard both sides. Considered.

It appears that the accused do not wish to examine the 02<sup>nd</sup> I.O of the case before examination of the 1<sup>st</sup> I.O and also prays for an opportunity for examining Dr. Anupama Basu the Forensic Expert in respect of the report submitted by her.

It is submitted by the Ld. Defence Counsel that the entire defence of the accused is based on the toxicology report submitted by the Forensic Expert and if they are not given an opportunity to cross-examine the Expert, the accused will be highly prejudice.

The record shows that during the examination of the Autopsy Surgeon the Forensic Report was marked Exhibit-8 and the Expert was not examined at that stage. Therefore, considering the defence of the accused, I find that if an opportunity is not given to the accused to cross-examine the Expert the accused will be prejudiced.

Hence, the application is allowed.

Dr. Anupama Basu Asst. Director Toxicology, FSL, Government of West Bengal be called as witness.

To 19-09-2024 for evidence Dr. Anupama Basu.

Prosecution to issue summons accordingly.

**Dictated & Corrected by**

**Addl. Dist. & Sess. Judge,  
Gangarampur at Buniadpur,  
Dakshin Dinajpur.**

**(Melissa Gurung)  
(WB-00842)  
Addl. Dist. & Sess. Judge,  
Gangarampur at Buniadpur,  
Dakshin Dinajpur.**