

GR 207/2022
(Reg. NO. 39 of 2023)
JO-WB00979

Order No.25 dated 19.07.2025

Today is fixed for appearance and ER of WWA of CSW-11 viz; ASI Rakesh Gurung.
Sole accused on Court bail viz; Manjil Rai is present before the Court by filing a hazira along with his Ld.Advocate.

CSW-11 viz; Rakesh Gurung is also present before the Court and files a petition praying for his release on PR bond and recall of WWA on the ground stated therein.

The petition is duly forwarded by the Ld. Advocate for the prosecution and the same is considered and allowed on execution of PR bond of Rs. 500/-.

CSW-11 is examined and cross-examined in full in the dock on oath as PW-10 and is being discharged.

The formal FIR is marked as Exhibit P-3/PW-10.

The endorsement in the written complaint is marked as Exhibit P-1/1/PW-10.

The sketch and the index is marked as Exhibit P-4 and P-4/1(PW-10)

The seizure list dated 11.08.2022 is marked as Exhibit P-2/3(PW-10)

The requisition dated 14.08.2022 is marked as Exhibit P-5(PW-10)

Heard both the sides. Considered. Perused.

On perusal of the case record it appears that summons upon CSW-10 viz; Dr. Tanay Barman was sent by this Court and thereafter a report was received by this Court wherein it was informed that the said Dr.had been transferred from Bijanbari Rural Hospital, Darjeeling. Thereafter a report was being called for from the Superintendent, District Hospital, Darjeeling and considering the report vide memo No.393/SR/Supdt dated 23.08.2024 it appears that after careful searching in the record it was found that no such Medical Officer was posted in the District Hospital, Darjeeling.

Accordingly, CSW-11 ie.the IO of the present case was directed to clarify to this Court regarding the status of CSW-10 ie.the Medical Officer and today the IO has filed a clarification to that effect duly forwarded by the Ld. APP from which it is revealed that CSW-10 viz; Dr. Tanay Barman examined the victim and prepared the injury report in the present case.

CD is also produced, perused and returned back.

In the above circumstances, not examining the doctor ie.CSW-10 might prejudice the prosecution case and as such, the Superintendent of Distict Hospital, Darjeeling is directed to personally appear before this Court and explain and clarify to this Court regarding his reportvide memo No.393/SR/Supdt dated 23.08.2024.

Let a copy of this order be sent to Superintendent of Distict Hospital, Darjeeling.

Fix 13.08.2025 for personal appearance of Superintendent of District Hospital, Darjeeling and further order.

D/C by me:

Judicial Magistrate
Darjeeling

Judicial Magistrate
Darjeeling.

Later :
19.07.2025

P.R bond of Rs. 500/- with respect to SI Rakesh Gurung is furnished, which is found to be fit and accepted.

Let the witness be released.

Perused. Considered. Allowed

BC- II to comply.

Fix 13.08.2025 for personal appearance of Superintendent of District Hospital, Darjeeling and further order.

D/C by me:

Judicial Magistrate
Darjeeling

Judicial Magistrate
Darjeeling.