

SC 09 of 2021

Order No. 42.
Dt. 21.06.2024

Sole accused Reshab Rai is produced from the J/C .

Ld PP in charge is present.

Ld. Junior counsel for the accused files an adjournment petition on the ground of the illness of the mother of the Ld. Senior. Copy is shown to the other side. No SR is received. No DW is present.

Heard both sides. Perused the CR. Considered.

It transpires from the CR that the accused was examined U/s 313 CrPC on 12.04.2023 and thereafter the then Ld. PO vide Order No. 30 dt. 27.06.2023 allowed the accused's petition for examining three witnesses namely Riya Tamang, Amrit Tamang and Aju Tamang and summons were issued but they could not be examined till this date on different pretext including time taken by the defence. CR further reveals that subsequently accused examined himself as DW1.

Ld. PP in charge rightly pointed out that Amrit Tamang S/o Pramod Tamang has already been examined as PW 5 being CS witness, so the said order be modified.

It has further been informed by the Ld. PP in-charge that after receipt of summons those three witnesses did appear on 03.06.2024 but as I was out of station for training purpose they could not be examined.

Having considered the above facts and circumstances, I am inclined to allow the defence prayer for the last time and the order No. 30 dt. 27.06.2023, being not the final order, is modified and BC is directed to issue summons only to two defence witnesses namely Riya Tamang and Aju Tamang.

Accused remanded to J/C till 16.07.2024

To **16.07.2024** for production of the accused and DW.

D/c by me

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sd/-ADJ Ksg