

CNR No.WBDJ0700001602022

J.O. Code : WB00935

Special POCSO No. 9/2022

Order No.24

Dated 10.04.2025

Today is fixed for production and evidence of CSW No.4 and Dr. Mousoumi Rakshit.

Sole accused Fursanga Sherpa is produced from J/C.

Ld. Counsel for the accused as well as Ld. Special P.P. are found present in the court today.

Subsequently, Ld. Special P.P. submits before the court that no summons had been issued in the name of any witness for which there is absolute necessity for re-scheduling the date for recording evidence of relevant witnesses.

The Ld. Special P.P. also files a petition u/s 348 of B.N.S. praying for recording of evidence of Dr. Ajay Sitling by invoking provision of section 348 of B.N.S. on the ground of non citing of said witness in the charge sheet by the I.O. of the case inadvertently.

Perused the charge sheet. It transpires the fact that the witness (medical officer) is an important witness in respect of the present case but unfortunately, his name was not included in the charge sheet as material witness for the reason best known to the investigating agency.

Therefore, the said witness is required to be produced before the court for proper adjudication of the case in hand and as such the prayer made by the Ld. Special P.P. stands allowed.

Issue summons upon witness namely Dr. Ajay Sitling in accordance with provision of section 348 of B.N.S.

Ld. Special P.P. is requested to do the needful at once for causing production of relevant witness on the schedule dates.

Having regard to the submission of Ld. Special P.P. and also considering submission of Ld. Defence counsel with regard to non issuance of summons upon any remaining witnesses till date, I do find reasonable justification in verbal submission of Ld. Special P.P. for rescheduling the dates for recording evidence of the material witness and failure on the part of the court to do so amounts to abuse of process of law.

Accordingly, the date for recording evidence is being rescheduled for proper dispensation of justice.

Fix 15.05.2025 for production and evidence of CSW No.4 and Dr. Ajay Sitling.

Fix 16.05.2025 for production and evidence of Pranesh Thami and Dr. Mousoumi Rakshit.

D&C by me

Sd/-

Judge, Special Court (POCSO)

Kalimpong

Sd/-

Judge, Special Court (POCSO)

Kalimpong