

S . T Case No. - 32 (12) 2021  
S C No. - 39/ 2020  
CNR – WBHG01-001116-2020

Order No. 50 dated 29.11.2025

Today is fixed for examination of the accused persons u/s 313 of Cr.P.C.

Out of four accused persons, accused persons namely : - 1) Tapas Patra and 2) Chinmoyee Patra on CB are physically present before this Court along with their Ld. Recorded Advocate *Md. Asraful Alam Sarkar* and has filed hazirah.

Accused persons namely Aheli Patra and Debojyoti Patra are absent and have filed a petition stating that they were unable to appear due to physical illness.

Ld. Addl. PP, Hooghly has filed hazirah on behalf of the State Prosecution.

Accused Tapas Kumar Patra is examined u/s 313 of Cr.P.C from question no. 1 to 9 in presence of his Ld. Advocate *Md. Asraful Alam Sarkar* in the prescribed format after giving him the statutory caution. In-course of his examination u/s 313 of Cr.P.C, the accused Tapas Kumar Patra *inter-alia* admitted that the deceased Riya resided at their home from the year 2018 till her demise and on the day of the alleged incident they were not present.

In-course of examination of the accused Tapas Kumar Patra, Ld. Advocate *Shib Sankar Roy* appears, interrupts and submits that further examination of the accused may be deferred as proper instructions could not be given to him as there was no contact between him and his client. He further submitted that due to mis-posting in his diary, he had no information that the re-call petition dated 03.11.2025 was disposed of. He undertakes to file a petition in this regard and earnestly makes a prayer for time as further examination of the accused would cause prejudice to the defence case as his statements were contrary to the defence case.

Taking a considerate view to his prayer, the examination of the accused person u/s 313 of Cr.P.C is deferred and the accused is asked to remain seated in Court so that the statement that he had given is typed and printed after which he can put his signature thereon. As per prayer, Ld. Advocate was permitted to talk with his client.

After that, when the accused was called for putting his signature on the 313 Form, Ld. Advocate *Sri Shib Sankar Roy* in presence of Ld. Advocate *Md. Asraful Alam Sarkar* informs this Court that the accused has fallen seriously ill and had to be admitted at the

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Medical College & Hospital. He undertakes to file a petition in this regard. It is to be noted here that this Court was never informed about the accused having fallen ill. No leave was obtained before he left the Court. Neither the accused nor his Ld. Advocate did not show the courtesy of informing the Court that the accused had left the Court premises.

Much later, a petition was filed on behalf of the accused person stating that the accused was very much ill physically and mentally as he had a pre-existing heart condition as such, the statements given by him during examination u/s 313 of Cr.P.C was not in accordance with his proper mental condition. Another petition was filed stating that the accused was severely ill before he was examined u/s 313 of Cr.P.C.

The copy of this petition has been duly served upon the Ld. Addl. PP, Hooghly representing the State Prosecution who raised vehement objection.

When the accused person was called on dock for his examination u/s 313 of Cr.P.C, neither the accused nor his Ld. Advocate had informed this Court that the accused was not in a fit state of mind due to his physical illness. This Court found that the accused was able to give rational answers to all the questions put to him. Therefore, the petitions filed in this regard are baseless and the same are liable to be rejected *in-limni*.

Ld. Advocate undertakes in open Court to file supporting documents with regard to the medical condition of the accused on the next working day i. e on 01.12.2025.

The prescribed format on which the accused Tapas Kumar Patra was examined u/s 313 of Cr.P.C without the signature of the accused be kept with record.

A petition has been filed by Ld. Addl. Public Prosecutor, Hooghly with a prayer for supply of free copies of all the Pws, exhibit lists and the copy of the examination u/s 313 of Cr.P.C done today.

Prayer is considered and allowed except for the form u/s 313 of Cr.P.C. The same will be supplied after the accused puts his signature on it.

Fixing **01.12.2025** for further order.

D/C by me

Sd/-

Addl. Dist. & Sessions Judge  
(3<sup>rd</sup> Court), Hooghly  
WB00891

Sd/-

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(3<sup>rd</sup> Court), Hooghly  
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