

S.T 30(05) 2023

S.C 207/2022

CNR no.WBHG-01- 004745-2022

Order no. 17 dt. 21.02.2024

All the seven accused persons are produced from J/C. Today is fixed for evidence of C.S.W-2 and 38 as per schedule.

No such witnesses turned up today.

Learned Special P.P, newly appointed is present before me.

Learned Advocates for all the accused persons are present before me.

At this stage, learned Special P.P filed a petition for recalling Dr. B.K Chhapadhyay of SSKM Hospital on the ground stated therein along with a fresh schedule of 06 witnesses. Copy served.

Heard both sides. Considered.

Learned Special P.P prayed for recalling Dr. B.K. Chattopadhyay of SSKM Hospital who treated the victim Toton Biswas. His evidence is very much required as he is not cited in the charge sheet by the I.O.

Learned Advocates for the accused persons in a common voice submitted that there is no explanation by the State why the witnesses fixed for today, did not turn up. Moreover, the prosecution is obligated to provide the schedule of witnesses, he proposes to rely.

In my consideration, the evidence of one of the three doctors namely B. K Chattopadhyay should be examined for proper adjudication of the case and defence will get opportunity to testify him on dock. Question of any prejudice to the accused side does not arise as it up to the prosecution whom to examine and whom not to prove the charges.

Accordingly, petition for recall for recalling Dr. B.K Chattopadhyay is hereby considered and allowed and disposed of.

The schedule given by the prosecution is as under.

To 15.04.2024 for evidence of C.S.W-49 Tarun Kanti Banerjee and C.S.W-51 Jayanta Kumar Singha.

To 19.04.2024 for evidence of C.S.W-50 Dr. Chitraksha Sarkar and C.S.W-41 Dr. Rahamat A Alam;

To 22.04.2024 for evidence of Dr. B.K Chattopadhyay on recall and the victim/C.S.W-38 Toton Biswas.

Summons be issued in the meantime.

Dictated & corrected by me

Additional Sessions Judge,
1st Court, Chinsurah
J.O Code no.WB00753

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