

S T Case No. - 01 (02) 2020
S C No. - 172/ 2019
CNR -WBHG01-005049-2019

Order No. 87 dated 07.12.2023

Today is fixed for evidence of evidence of 1) Sri Biplab Shee, the then Ld. Judicial Magistrate, Addl. Court, Chinsurah, Hooghly and 2) CSW – 28 S.I Mahabir Bera

All the seven accused persons namely 1) Mongal Yadav, 2) Baijnath Roy @ Hedek @ Raj, 3) Md. Akbar @ Dhole, 4) Md. Nasim @ Guddu, 5) Md. Manu, 6) Md. Sanu and 7) Saddam Hossan @ Maa Kasam have been physically produced from the J.C.

They are represented by their respective Ld. Advocates.

Ld. Public Prosecutor, Hooghly is present on behalf of the State Prosecution.

CSW 28 Inspector Mahabir Bera is present and he is examined as PW-32 . The following documents have been marked as Exhibits :-

- 1) Exhibit P-28 (PW 32) – Seizure list dated 29.06.2019 ;
- 2) Exhibit P-29 (PW 32) – Formal F.I.R. ;
- 3) Exhibit P-30 (PW 32) – Rough sketch map with index ;
- 4) Exhibit P-31 (PW 32) – Seizure list dated 29.06.2019 ;
- 5) Exhibit P-32 (PW 32) – Seizure list dated 07.07.2019 ;
- 6) Exhibit P-33 (PW 32) – Label pasted on the empty cartridges ;

The following articles have also been marked as material exhibits :-

- a) Mat Exhibit – XXVII (PW 32) – Two empty cartridges ;

At this stage, Ld. Advocate appearing for the accused persons by filing a petition U/s 231 (2) of Cr.P.C submits that apart from the present I.O., there are two other police officers who had performed the role of the I.O and are cited as CSW – 29 and CSW – 30 respectively. Therefore, if the cross-examination of PW-32 is done at this stage, then there is every possibility for the prosecution to fill-up the latches in the prosecution case thereby causing prejudice to the accused persons. Therefore, he makes a prayer to defer the cross-examination of PW-32 till the rest two I.Os' are being examined. The petition has been duly endorsed by the Ld. Public Prosecutor, Hooghly who does not raise any objection.

Heard both sides at length.

Seen the materials on record.

It is the matter of record that the present case has been investigated by 03 I.Os'. Therefore, considering all aspects, the prayer of the accused persons U/s 231 (2) of Cr.P.C is considered and allowed.

The cross-examination of PW-32 be deferred till the examination of CSW – 29 and 30.

No other witness is present today.

To date (08/12/2023) for evidence.

Accused persons are remanded to J.C till date.

D & C by me.

Sd/-

Addl. Dist. & Sessions Judge
3rd Court, Hooghly (Sadar)
WB00891

Sd/-

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