

Order No. 96 Dated 20.02.2024

Today is fixed for further examination-in-chief of CSW-30 inspector Prodip Kumar Dan and production of the accused persons.

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.

PW-39 inspector Prodip Kumar Dan is present and he is examined in chief in full till 6.00 p.m and the following documents have been marked as exhibits on behalf of the State Prosecution:-

- i) Exhibit – P-8/3 (entirely) – Seizure list dated 05.09.2019 ;
- ii) Exhibit – P-8/4 (PW 39) – Signature of witness on seizure list dated 05.09.2019 ;
- iii) Exhibit – P-46 (PW 39) – Relevant portion of the statement of accused Md. Nasim @ Guddu recorded u/s 161 of Cr.P.C. (after objection) ;
- iv) Exhibit – P-47 (PW 39) – E-mail forwarded by the Chandernagore Police Commissionerate to the I/C ;
- v) Exhibit – P-48 (PW 39) - Relevant portion of the statement of accused Md. Manu recorded u/s 161 of Cr.P.C. ;
- vi) Exhibit – P-49 (PW 39) - Relevant portion of the statement of accused Maa Kasam recorded u/s 161 of Cr.P.C. ;
- vii) Exhibit – 10/3 (entirely) – Seizure list dated 12.09.2019 relating to seizure of one shotter Pipegun with barrel, firing pin and trigger ;
- viii) Exhibit – 11 / 3 (entirely) - Seizure list dated 12.09.2019 relating to seizure of 7 mm pistol with trigger, barrel and firing pin ;
- ix) Exhibit P-51 (PW-39) – Forwarding letter of Ld. CJM, Hooghly relating to send the seized articles to the FSL, Kolkata ;
- x) Exhibit – P-50 (PW 39) entirely – Seizure list dated 26.09.2019 relating to seizure of Panasonic HCV, high definition video camera with scan disc etc. ;
- xi) Exhibit – 6/1 (PW 39) – Zimmanama bond ;
- xii) Exhibit – P-52 (PW 39) – Forwarding letter of Ld. CJM, Hooghly relating to seizure of one bullet head extracted from the head of Dilip Ram during post-mortem ;
- xiii) Exhibit 2/3 (PW 39) entirely – Seizure list dated 23.09.2019 relating to seizure of four sale deeds and one sale agreement from Smt. Nita Kundu ;
- xiv) Exhibit – P-53 (PW 39) – Authorisation letter issued by PW – 39 to Sher Ali Mondal dated 31.10.2019 ;

Contd.....2

Order No. 96 Dated 20.02.2024

xv) Exhibit – P-54 (PW 39) - Relevant portion of the statement of accused Md. Akbar @ Doley recorded u/s 161 of Cr.P.C. (after objection) ;

xvi) Exhibit – 12/ 3 (PW 39) entirely – Seizure list dated 04.11.2019 relating to seizure of one shotter pipegun with barrel, one 07 mm pistol etc. ;

The following have also been marked as material exhibits on behalf of the State Prosecution :-

i) Mat Exhibit – X/ IV (entirely) – Label dated 05.09.2019 relating to seizure of Oppo Mobile Phone ;

ii) Mat Exhibit – XI / IV (entirely) – Label dated 05.09.2019 relating of seizure of box of Oppo Mobile Phone ;

iii) Mat Exhibit – VI / II (PW 39) – Label dated 26.09.2019 containing seizure of DVD-R of Sony ;

iv) Mat Exhibit – VII/ II (PW-39) – Label dated 26.09.2019 containing seizure of the Chip ;

v) Mat Exhibit – XV / III (entirely) – Label dated 12.09.2019 relating to seizure of 7 mm pistol;

vi) Mat Exhibit – XVI / III (entirely) – Label dated 12.09.2019 relating to seizure of live cartridges ;

vii) Mat Exhibit – XVII/ III (entirely) - Label dated 12.09.2019 relating to seizure of Micromax Mobile Phone Model No. X412 ;

viii) Mat Exhibit – XVIII/ IV & Mat Exhibit – XIX/ IV – Two labels dated 04.11.2019 relating to seizure made from accused Md. Akbar @ Doley ;

ix) Mat Exhibit – XX/ IV (PW 39) – Label dated 04.11.2019 relating to seizure of 7 mm pistol ;

x) Mat Exhibit – XXI/ IV (PW 39) – Label dated 04.11.2019 relating to seizure of four cartridges ;

xi) Mat Exhibit – XXII / IV (PW 39) entirely – Label dated 04.11.2019 relating to seizure of two rounds of 8 mm cartridges ;

His cross-examination is deferred u/s 231 (2) Cr.P.C. in view of order no. 87 dated 07.12.2023.

At this stage, Ld. Public Prosecutor, Hooghly makes a prayer for fixing up short dates for cross-examination of PW-32 and PW-36.

Raising objection and by filing a petition, Ld. Advocates appearing for the respective accused persons submit that the prosecution has examined those witnesses extensively spreading over several pages and number of documents as well as material objects had been admitted into evidence on behalf of the state prosecution. It would be utmost necessary to make preparation for the defence to cross-examine them. Unless such accommodation is given to the defence, then the accused persons shall be seriously prejudiced.

Copy of this petition has also been served upon the State Prosecution.

Heard both sides at length.

Contd.....3

Order No. 96 Dated 20.02.2024

Considering the prayer made by the Ld. Advocates appearing for all the accused persons, the matter is fixed for cross-examination of PW-32 (the 1st I.O of this case) on **05.03.2024** on the consensus of all sides.

Another petition has been filed on behalf of the accused persons with a prayer for expunging of exhibits pertaining to some statements made through examination-in-chief of PW-39 on 17.02.2024 and also on 20.02.2024 on the grounds stated therein.

Copy of this petition has also been served upon the State Prosecution. Let it be kept with the record for consideration at the appropriate time.

Ld. Advocates appearing for the respective sides are again hereby requested to assist this court in its endeavour to dispose of this case in an expeditious manner in view of the direction of the Hon'ble Court.

The accused persons are remanded to J.C till such date.

To **05.03.2024** for cross examination of PW- 32.

The matter will be taken up as specially fixed at 1.00 p.m.

D/C by me

Sd/-

Addl. Dist. & Sessions Judge

(3rd Court), Hooghly

WB00891

Sd/-

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(3rd Court), Hooghly

WB00891