

Order No.91 dt. 18.07.26

The instant case is fixed today for hearing argument.

All the accused on bail (3) are present by filing hazira.

Ld. P.P i/c is present and he has submitted an application U/s 311 of the Cr.P.C.

Ld. Advocates for the accused raised strong objection.

Ld. P.P i/c has contended that the present case was investigated by two I.Os.

S.I Biswajit Ghoshal was the first I.O and Insp. Prasun Kr. Banerjee was the second I.O.

Mr. Banerjee has already been examined as P.W15, whereas S.I Biswajit Ghoshal has not yet been examined as no summons was issued upon him.

During investigation, Mr. Ghoshal had seized different documents, arrested the accused, recorded statements, prepared rough sketch map and submitted the first C.S against the two accused. Therefore, to substantiate all those facts he has to be examined by invoking Sec.311 of the Cr.P.C.

Ld. Advocates for the accused have submitted conjointly that the trial of the present case has been continuing for near about a decade, inspite of that prosecution has failed to produce all its witnesses. To drag the case further prosecution has applied the method by invoking Sec.311 of the Cr.P.C which is not tenable in the eye of law.

Heard and considered the same.

I have gone through the case record and it substantiates the submission made by and on behalf of Ld. P.P.

For the just decision of the present case S.I Biswajit Ghoshal, the first I.O is required to be examined and cross-examined to corroborate the first C.S submitted by him against the two accused persons.

Hence it is

ORDERED

that the application U/s 311 of the Cr.P.C filed by the Ld. P.P i/c is allowed on contest.

S.I Biswajit Ghoshal, the first I.O, attached to Singur P.S on 29.07.05 be called as a witness.

Issue summons accordingly.

To 12.08.26 for evidence.

Dictated & corrected by me

Addl. Sessions Judge
F.T.C, Chandernagore, Hooghly

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