

S.T Case No.124 of 2023
CNR No. WBHW01-002499-2023
Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No.64,

Dated : 17-07-2025

Today, the date is fixed for appearance, production and evidence.

Out of six accused persons, one accused person on C.B, namely, Sudip Das is present by filing hazira.

Out of rest five accused persons, two accused persons, namely, Md. Khasrul Molla and Sumaiya @ Sumaiya Khatun are produced from correctional home. They are taken into custody and remanded to J.C till the next date.

Rest three accused persons, namely, Samrat Singh, Dhruva Sadhukhan and Abdush Samad Mondal @ Kausar are produced from the correctional home through video conference. They are remanded to J.C till the next date.

Ld. Advocates for the accused persons are present.

Ld. PP-in-charge is present with the witness SI Ranjit Kumar Singh.

Now, the case record is taken up for evidence.

SI Ranjit Kumar Singh is examined-in-chief and cross-examined in full as P.W-11 and he is discharged.

During evidence, the signature of P.W-11 on the seizure-list dated 21.06.2023 and Label dated 21.06.2023 are marked as Exbt.P-20/P.W-11 and Exbt.P-21/P.W-11 respectively. One Blue Colour Mobile phone of VIVO company is produced by the LC 3186 Rizwana Khaton of Golabari P.S. which is marked as M.O. XI/ PW 11 and the same is returned to the said Lady Constable for the purpose of preserving the same in P.S. Malkhana.

Be it noted here that in the deposition sheet of P.W. 11, in his examination-in-chief due to typographical mistake the date of the Label was typed as 11.01.2023 instead of 21.06.2023 and the said mistake is corrected today in presence of all learned Advocates and learned P.P. in Charge with the express consent of all.

No other witness is present.

At this stage, Ld. P.P. in Charge files a petition under section 311 of the Cr.P.C. praying for calling four witnesses.

Ld. P.P. in Charge submits that four witnesses, namely, Md. Abbas, Rashida and Registrar (Birth and Death), South Delhi Municipal Corporation and Ld. Judicial Magistrate, 6th Court, namely, Smt. Soroshi Goswami are not cited as witnesses in the charge sheet, but their evidence is very much essential for proper adjudication of this case.

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[Continuing Order dated 17.07.2025]

Ld. Advocates for the accused persons raised objection against the such prayer.

Heard. Considered.

Upon perusal of the case docket it appears that Md. Abbas and Rashida were examined by the I.O. of this case and their statements were recorded under section 161 of the Cr.P.C. It further appears that the I.O. of this case collected birth certificate of a victim of this case and upon due verification, no record was found in the office of the Registrar (Birth and Death), South Delhi Municipal Corporation which necessitates the examination of these witnesses in course of trial of this case. It further appears that the name of the Ld. Judicial Magistrate 6th Court, Howrah was mistakenly written as Sangita Rai in the charge sheet instead of Smt. Soroshi Goswami.

In view of the above, this Court is of the considered view that the prayer of the learned P.P. in Charge should be allowed.

Hence, the petition under section 311 of the Cr.P.C. filed by the Ld. P.P. in Charge is hereby allowed on contest.

Let a schedule be fixed for examination of witnesses in order to comply the solemn direction of the Hon'ble Apex Court of India in letter and spirit.

Fix 04.08.2025 for for production, appearance and evidence of Md. Abbas and CSW 16 (Victim Girl)

05.08.2025 for for production, appearance and evidence of Rashida and CSW 17 (Victim Boy)

06.08.2025 for for production, appearance and evidence of Gunasindhu Sahoo i.e. CSW – 2 of Supplementary Charge sheet dated 11.03.2025

07.08.2025 for for production, appearance and evidence of Registrar, (Birth and Death), South Delhi Municipal Corporation.

11.08.2025 for for production, appearance and evidence of Ld. Judicial Magistrate Smt. Soroshi Goswami

Ld. PP-in-Charge is directed to take positive steps.

Let a copy of this order be sent to the Inspector-in-Charge of Golabari Police Station with a direction to take proper steps to ensure the presence of the witnesses on the dates fixed in order to comply the direction of the Hon'ble Apex Court in letter and spirit.

Dictated & Corrected by me.

A.S.J, 1st Court, Howrah

Additional Sessions Judge,
1st Court, Howrah

