

S.T Case No.280 of 2023
CNR No. WBHW01-006267-2023
Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No.33,
Dated : 13.06.2025,

Today, the date is fixed for appearance, production and hearing of the petition u/s 311 Cr.P.C.

Out of nine accused persons, one accused person on Court Bail, namely, Noor Alam @ PTS Raja is present by filing hazira.

Other eight accused persons, namely, Shahid Parvez, Raja Ram @ Raja Rao, Raja Kr. Paswan @ Raja, Md. Taufik @ Mani, Sk. Laltu, Md. Naushad, Sk. Imtiaz @ Rahul and Hasan Raja @ Tipu are produced through video conference. They are remanded to J.C till the next date.

The de facto complainant files hazira through Ld. Advocate.

Ld. Advocates for all the accused persons are present.

Ld. PP-in-Charge Sri Snehamoy Mukherjee is present.

Ld. Advocate for the de facto complainant is also present.

Now, the petition is taken up for hearing.

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[Continuing Order dated 13.06.2025]

Ld. PP-in-Charge submits that the prosecution has already examined seven witnesses out of the cited charge-sheeted witnesses and at this stage, it becomes necessary to summon six new witnesses, who are not cited as a witness in the charge-sheet, but their evidence is very much essential for the proper adjudication of this case. It is further submitted that a relief u/s of the Code of Criminal Procedure, 1973 can be sought for at any stage of the trial. It is further submitted that out of the six witnesses, named in the petition u/s 311 Cr.P.C, the I.O has examined four witnesses, but they are not cited as witnesses and out of the rest two witnesses, one is the scribe and another is the person, who took initiative to the deceased admitted in the hospital, whose name has been transpired from the evidence of witnesses, already examined in this case. Accordingly, he prays for allowing the instant petition.

Ld. Advocates for the accused persons raised vehement objection and submitted that the prosecution has been trying to fill up the lacuna in their case by summoning these new witnesses. It is further submitted that there are series of other witnesses, cited in the charge-sheet, who are yet to be examined by the Ld. PP-in-Charge and at this stage, without examining those rest witnesses, the petition u/s 311 Cr.P.C should not be allowed. Accordingly, they pray for rejection of the instant petition.

Perused the petition, the written objection, the case record and the case docket, wherefrom, it appears that the I.O of this case has already examined Mehhoob Alam, Aftab Alam, Md. Nashim and Md. Kalimuddin @ Dabllu and reduced their statement into writing u/s 161 Cr.P.C. It further appears that the names of the other two proposed witnesses have been transpired from the substantive evidence of the witnesses of the prosecution, who have already been examined. Upon perusal of the deposition of P.W-1, it appears that Afzal Ahmed Khan was claimed to be the scribe of the written complaint and from the deposition of P.W-2, it appears that Vishal Ahmed Khan took initiative to take the deceased to Emergency Ward.

In view of the above, it appears that the evidence of these six witnesses, namely, Mehhoob Alam, Aftab Alam, Md. Nashim, Md. Kalimuddin @ Dabllu, Afzal Ahmed Khan and Vishal Ahmed Khan are very much necessary and essential for the proper adjudication of this case.

Considering the observation, made herein-above, I am inclined to allow the petition, filed by the Ld. PP-in-Charge u/s 311 Cr.P.C.

Hence, it is

ORDERED

that the petition under Section 311 of the Code of Civil Procedure, filed by the Ld. PP-in-Charge. is hereby allowed on contest.

Ld. PP-in-Charge is permitted to summon the above noted six witnesses,

Fix 22/07/2025 and 23/07/2025 for appearance and production of the accused persons and for evidence.

Dictated & Corrected by me

A.S.J, 1st Court, Howrah

Addl. Sessions Judge, 1st Court,
Howrah