

SC 68/2021

Order No.27
dtd.17.04.2025

The sole accused Ram Kumar is produced from **Alipurduar Correctional Home**.

No witness is present.

No ER of WA with respect to CSW 4, 5 & 6 is received.

Ld. Advocate for the accused by filing separate petition prays for bail for the accused and it is contended that the present accused is in JC since 22.05.2021 and prays for bail on any stringent conditions on humanitarian ground.

Ld. PP in charge appearing for the prosecution raises objection for bail.

Perused the case record the deposition of the witnesses and other materials so far been produced by the prosecution in the instant case.

Be noted here that the prosecution witness list has been exhausted save and except the Medical officer who conducted the Postmortem of the deceased. Rather Ld. PP in charge emphasized that she will produce the witness who is the vital instant the case.

Considering the above factual backgrounds the evidences on the record as and the case is at concluding stage, this Court is not inclined to allow the prayer for bail at this stage when the offence so alleged against the accused is grave.

Hence, the prayer for bail is rejected.

Thus the accused be remanded to JC till 05.05.2025.

Now, the petition filed u/s 311 of Cr. PC filed by the Ld. PP in charge is taken for hearing. Considering the submission so made and as a matter of fact the Postmortem report is only marked 'X' for identification and the Medical Officer namely, **Dr. Narottam Halder** is the only witness to be examined by the prosecution.

Hence, Ld. Advocate for Defence raised formal objection only.

At the matter of the fact section 311 of Cr.PC is explicit and this Court at any stage of the inquiry or trial summons any person with evidence appear to be essential to arrive at just decision.

Therefore, the prayer of the prosecution for summoning **Dr. Narottam Halder** to prove the Postmortem report is considered and allowed.

Prosecution is directed to produce the witness positively by the next date.

Issue summons accordingly.

Fix 05.05.2025 for production and evidence.

Dictated & corrected by me ;

Addl. Sessions Judge,
Fast Track 2nd Court, Apd.

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Fast Track 2nd Court, Apd.
(WB-01097)