

SC. 260/13 (CIS 442/15)

(arising out of Falakata PS case No. 98/2009 dated 16.03.2009)

Order dated 31.03.2026

Today is fixed for argument.

Accused on CB is present by filing appearance.

Ld. P.P. in charge and Ld. Advocate for the accused are present.

At the time of argument it is submitted by the Ld PP in charge that the IO, CSW 7, SI Md Habibuddin has not been examined before this court. The evidence of CSW 7, IO is required for reconstructing the sequence of events and verify the actual occurrence of the alleged incident.

The ld advocate for the accused does not raise objection

The exercise of power under section 311 Cr PC should be resorted with object of finding truth or obtaining proper proof of fact. In this case, it appears that the evidence of the IO, CSW 7 is necessary for just and correct decision of this case.

Issue fresh summons upon IO, CSW 7, SI Md Habibuddin now retired and residing at Shaktigarah Ward No. 31, Road No. 6, PS New Jalpaiguri.

Fixing 21.05.2026 for evidence of IO, CSW 7.

Accused as before.

Issue summons through SP Alipurduar and SP Jalpaiguri and IC New Jalpaiguri PS.

Let a copy of order be sent to SP Alipurduar and SP Jalpaiguri and IC New Jalpaiguri PS.

Addl. Dist. & Sessions Judge,
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.