

Order No.57 dated 13.01.2025

Today is fixed for production, evidence, and hearing bail petition for the accused Mohasin Mallick @ Akali Sk.

Witness Srimanta Dutta is present who is examined, cross – examined in full as P.W.11 and discharged.

The requisition sent by the P.W.11 dated 05.03.2019 for holding inquest is marked as Exbt. - 12. The entire inquest report prepared by the P.W.11 is marked as Exbt. - 1/4. The inquest report held by Executive Magistrate is marked as “X” for identification. The dead body challan dated 05.03.2019 is marked as Exbt. - 13 (two pages). The seizure list dated 05.03.2019 prepared by P.W.11 is marked as Exbt. - 14. The requisition of handing over of SCD prepared by P.W.11 bearing his signature is marked as Exbt. - 15. Requisition sent by P.W.11 for collection of the P.M. report addressed to MSVP is marked “Y” for identification.

The Ld. P.P in-charge submitted that he filed a petition dated 14.11.2024 with the prayer for marking the entire statements recorded u/s 164 Cr.P.C. of the witness Ajijul Hakim and Nabisuddin Sk as exhibit in this case, on consent, dispensing with its formal proof as per provision of Section 294 Cr.P.C. That petition was kept with the record.

Today the petition is moved by the Ld. P.P. in-charge in presence of the Ld. Defence counsel.

Ld. Defence counsel raised no objection.

Having considered the entire materials on record and to expedite the trial, I am inclined to allow this petition dated 14.11.2024. Thus, the petition is allowed.

Accordingly, the statement of the witness Ajijul Hakim recorded u/s 164 Cr.P.C. is marked as **Exbt. - 2/1 as a whole**, and the statement of the witness Nabisuddin Sk recorded u/s 164 Cr.P.C. is marked as **Exbt. - 16 as a whole**.

The bail petition is moved by the Ld. Defence counsel.

Copy served. Strong objection raised.

Heard submissions from both sides.

Having considered the entire materials on record and on perusal of the order of the Hon’ble High Court Calcutta vide CRM (DB) 2322 of 2024 that there are sufficient incriminating materials including the statement of eye witnesses, I am inclined to enlarge the accused on bail, as the trial is on the verge of conclusion.

Hence, the bail petition filed by the accused Mohasin Mallick @ Akali Sk is hereby rejected.

To 07.02.2025 for production and evidence and necessary order.

Dictated & corrected by me

Addl. Sessns. Judge, 3rd Court,
(in – charge)

Additional Sessions Judge, 3rd Court,
Berhampore, Murshidabad
(JO Code : WB00614)
(in – charge)