

Sessions Case No. 120 of 2017

Present : Sri S.K. Sharma
Addl. Sessions Judge,
3rd Court, Malda.

Order No. 65 dated 14-02-2020

Accused persons Tahirul Sk. and Sani @ Sanyrul Sk. are produced from J.C.

Accused Karimullah Sk. on bail is present.

No witness is present today.

Ld. P.P. in-charge files two petitions under Section 311 Cr.P.C. one for examination of PW10 and PW12 on re-call and another for examination of Learned Magistrate who conducted T.I. Parade in this case. Copies served.

Ld. P.P. in-charge submits that PW10 and PW12 were the identifying witnesses in the T.I. Parade but due to inadvertence no question regarding the identification of the accused in T.I. Parade was put to the witnesses. He further submits that the Learned Magistrate who held the T.I.P. has not been cited as a witness in the charge-sheet.

Ld. Defence Counsel oppose the petitions.

Perused the case record.

Considering the facts and circumstances of the case and the materials appearing on record, examination of PW10 and PW12 on re-call and examination of the Learned Magistrate is necessary for proper adjudication.

The prayers made by the prosecution are therefore allowed.

Prosecution is directed to bring PW10 and PW12 for their examination on re-call in the current schedule which extends till 18-02-2020.

To date, i.e., **15-02-2020** for further evidence by prosecution.

Accused Tahirul Sk. and Sani @ Sanyrul Sk. are remanded to J.C.

To date for their production.

Accused on bail as before.

Dictated and Corrected by me

Addl. Sessions Judge,
3rd Court, Malda.

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