

**Sessions Case 120/2017**

Sri Bidyut Kumar Roy  
Judge, Special Court (i/c),  
3<sup>rd</sup> Court, Malda

**Order No. 159 dated 12-11-2024**

Today is fixed for cross examination of PW25 on recall and also for hearing of the petition filed by the Ld. Prosecution.

Accused namely Tahirul Sk. and Sani @ Sanirul Sk. are produced from JC before this Court.

Accused Karimulla Sk. on bail is present by filing hazira.

Ld. prosecution is present with PW25 SI Alok Bhowmik. His cross examination is resumed by the defence and discharged after completion of cross examination in full.

Petition dated 11-11-2024 filed by the Ld. Prosecutor is taken up today for hearing and passing necessary order.

Ld. Advocate of both sides are very much present. Heard their submissions. Considered.

Ld. PP by filing a petition wants to get examined the two charge sheeted witnesses who has not yet been examined by the prosecution.

He also submit that their examination is very much required for the sake of interest of justice as it is an offence of very serious in nature and as such he prays for allowing the prayer after fixing a date of schedule for their examination.

Ld. Defence counsel is very much present. Who has raised objection by pointing out that prosecution could have examined the witnesses earlier but without doing so he files this petition to delay and drag the proceeding and also submit that prior to this occasion many of times prosecution has re-call several witnesses and also submit that IO in this case examined and as such they are raising objection for allowing the prayer.

Having heard submission of Ld. Advocate of both sides and also after going through the record of this case what is appearing that the prosecution whom they wants to examine is a charge sheeted witness and prior to this occasion they have not examined and though IO of this case has been examined leaving those two witnesses yet after having consider the submission as advance by the Ld. Prosecutor and also after considering the nature of the offence so also for the sake of interest of justice. This court likes to allow prayer of the prosecution giving them an opportunity to produce the witnesses on the date fixed for their examination. IO of this case is very much present who submits that this is a case of Kaliachak PS and he has now been transferred from that PS and as such for production of prayer named charge sheeted witness assistance of IC Kaliachak PS is very much required and as such having consider that fact IC Kaliachak PS is directed to give necessary assistance to the IO of this case for production of the witnesses before court because it is very urgent as the accused are in custody and as such this court is trying to get dispose of the proceeding as early as possible by examining the witnesses.

Fix \_\_\_\_\_ for evidence.

Let a copy of this order be sent to IC Kaliachak PS for his information and taking necessary steps.

Sd/-

*Addl Sessions Judge ,  
3<sup>rd</sup> Court, Malda. (i/c)*

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3<sup>rd</sup> Court, Malda.(i/c)*

**No. \_\_\_\_\_ /ADJ-III, Malda, Dated 12-11-2024**  
Copy of order be sent for information and necessary action.  
To: The I/C Kaliachak PS, Malda

*Addl Sessions Judge  
3<sup>rd</sup> Court, Malda (i/c)*

