

Sessions Case No. 120 of 2017

Present : Sri Arun Singha
Addl. Sessions Judge,
3rd Court, Malda.

Order No. 110 dated 17-09-2022

Today is fixed for evidence.

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

Accused Karimullah Sk. on bail is present.

No witness is present today.

Ld. Counsels for both sides are present.

Two bail petitions are filed on behalf of the accused persons. Copies served.

The petition under Section 311 Cr.P.C. dated 16.09.2022 filed by ld. P.P. in-charge is taken up for consideration. Copy already served.

Heard both sides.

Ld. P.P. in-charge submits that the application under Section 311 Cr.P.C. to call one witness, namely, Debasish Pramanik, Asstt. Controller, District Correctional Home, Malda presently posted at Correctional Home, Krishnanagar, Nadia has been filed to conclude the trial at the earliest. It is submitted that the said witness is required to be examined on behalf of the prosecution for the ends of justice regarding T.I. Parade.

Ld. Advocate for accused Tahirul Sk. submits that the accused is in custody since 04.12.2016 and he has been falsely implicated in this case. It is further submitted that principal accused is on bail granted by the Hon'ble High Court. It is also submitted that till date from the evidence as adduced nothing has been made out to implicate the accused. Accordingly, he prays for bail of accused Tahirul Sk. on any condition.

Ld. Advocate for accused Sani @ Sanyrul Sk. submits that the accused is in custody since 12.12.2016 and he has been falsely implicated in this case. It is further submitted that principal accused is on bail granted by the Hon'ble High Court. It is also submitted that till date from the evidence as adduced nothing has been made out to implicate the accused. Accordingly, he prays for bail of accused Sani @ Sanyrul Sk. on any condition.

Ld. P.P. in-charge vehemently opposes the bail prayer. It is submitted that the accused persons were identified in T.I. parade and it is also submitted that there are sufficient materials on evidence against this accused persons.

Perused the case record.

On perusal of the case record, it appears that it is a case under Section 302/376D/201/34 of the IPC. It further appears that 21 nos. of prosecution witnesses have already been examined and discharged. It also appears that vide order dated 24.03.2021 passed in CRM No. 1155 of 2021 bail prayer of accused Tahirul Sk. was rejected by the Hon'ble High Court and vide order dated 25.03.2022 passed in CRM(DB) No. 483 of 2022 bail prayer of accused Sani @ Sanyrul Sk. was rejected by the Hon'ble High Court.

In view of the aforesaid circumstances, bail prayers of the accused persons are considered and rejected.

After perusal of the case record it appears that only two prosecution witnesses are yet to be examined and those are the J.M. and the I.O. It further appears that the case is delayed only because of the witness Ld. J.M. Kuntal Bhattacharya being not turned up continuously for more than a year. The prayer under Section 311 Cr.P.C. is made on behalf of the prosecution as understood from the petition and submission that the witness as prayed for is cited to be examined as the substitute of ld. J.M. regarding T.I. Parade.

On perusal of the case record and after hearing both sides, it appears that other than said witness only one more witness being the I.O. is yet to be examined.

In the present facts and circumstances, prayer of ld. P.P. in-charge is considered and allowed to call the said witness to be examined on behalf of the prosecution.

Contd....

Sessions Case No. 120 of 2017

Contd....Order No. 110 dated 17-09-2022

In the circumstances, fix **26-09-2022 and 27-09-2022** for the examination of Debasish Pramanik, Asstt. Controller, District Correctional Home, Malda and the I.O.

Prosecution is directed to take all necessary steps for ensuring the attendance of the witnesses on the dates fixed.

To 26.09.2022 for production of accused Tahirul Sk. and Sani @ Sanyrul Sk.

Accused Karimullah Sk. on bail as before.

Dictated and Corrected by me

Addl. Sessions Judge,
3rd Court, Malda.

Addl. Sessions Judge,
3rd Court, Malda.