

**Special Case No. 86 of 2023**

Present : Smt. Sanghamitra Podder (J.O. Code – WB00855)  
Judge, Special Court,  
3<sup>rd</sup> Court, Malda.

**Order No. 09 dated 08-05-2025**

Today is fixed for evidence.

Accused Mehendi Hassan is produced through VC.

Ld. Defence Counsel and Ld. PP are present.

Witness SI Jhoton Prasad is present.

Ld. Spl PP files a petition praying for time as the vital witness SI Rahul Kumar of 'A' Coy 70 Bn. BSF under PS English Bazar, Dist-Malda has not yet been examined. Witness SI Jhoton Prasad is the Investigating Officer of this case. Prior to the examination of the IO, vital witness namely SI Rahul Kumar is required to be examined other wise prosecution shall be highly prejudiced.

Ld. Defence Counsel also submits that Defence will also prejudiced if the Investigating Officer is allowed to be deposed prior to the other witness.

Considering the submission of both side, IO SI Jhoton Prasad is discharged without examination on the prayer of adjournment of Ld. Spl PP.

There is direction of Hon'ble Supreme court passed in **Shailendra Kumar VS State of Bihar and others, decided on 28-11-2001** that presence of IO at the time of trial is must. It is his duty to keep the witness present. If there is failure on part of any witness to remain present, it is the duty of court to take appropriate action.

**In compliance of aforesaid guideline of Hon'ble Supreme court let the summons be issued upon SI Rahul Kumar of 'A' Coy 70 Bn. BSF under PS English Bazar, Dist-Malda through the DG BSF HQRS DG BSE, Block No-10, CGO Complex, Lodhi Road, New Delhi-110003. Summons be also sent through e.mail though e mail id [edpdte@bsf.nic.in](mailto:edpdte@bsf.nic.in) fixing 17-06-2025 for evidence and production.**

The Investigating Officer SI Jhoton Prasad is directed to produce the aforesaid witness in compliance of the direction of Hon'ble Supreme Court passed in **Shailendra Kumar VS State of Bihar and others, decided on 28-11-2001.**

Let a copy of this order along with summons be sent to DG BSF HQRS DG BSE, Block No-10, CGO Complex, Lodhi Road, New Delhi-110003 with a request to cause the production of witness SI Rahul Kumar on **17-06-2025** before this Court.

Let a copy of this order be also supplied to the IO who is present before this Court today for compliance.

Sd/-

*Judge, Special Court, NDPS Act,  
Cum ASJ, 3<sup>rd</sup> Court, Malda*

No. \_\_\_\_\_ / ADJ-III, Malda, Dated \_\_\_\_\_