

SC No. 100 of 2025

CNR WBNP06000682-2025

Order No. 31

Date: 22/12/2025

Nine accused are produced before the court from J/C. One accused namely Nabeen Biswas not produced from JC today by the Superintendent Bongaon Correctional Home. One letter of intimation has received from the correctional home to the effect that due to illness the said accused could not be produced before the court today. Ld. Advocate Sri Mukul Biswas representing 09 accused persons is present today and submitted that he is ready to cross examine the witness. Ld. Advocate Sri Joy deb Halдар is also present for the accused Subrata Bala.

Ld. Spl PP filed hazira of one witness namely Sachin Gupta and he is examined and fully cross examined by the ld. defence counsel for respective accused persons. During examination on chief the witness (PW-7) filed Downloaded copies of E-mail and WhatsApp conversation along with certificate under section 63(4) of BSA. Ld. PP submitted for marking of the said documents on behalf of the prosecution. Ld. Advocate for the parties objected the same strongly and submitted that court can't mark such document at this stage since the copy of the documents were not supplied to them earlier by the prosecution u,s 207 of Cr.P.C. Ld. Advocate Sri Mukul Biswas submitted that copies of the documents also not supplied to them. Ld. PP submitted that he is ready to supply the copies of the documents but the ld. Counsel for both the parties refused to receive the same. The court also requested the ld. Advocates to receive the copies and if they feel it necessary, they can also take adjournment for preparation of their defence in the light of surprise document. Ld. Advocate Sri Mukul Biswas submitted that there is total 09 accused whom he is representing and prosecution has given only one copy and prosecution should give all nine copies to him. In reply ld. Spl. PP submitted that if needed he can also provide 09 copies to the defence counsel. Accordingly, this court again asked to the ld. Advocate Sri Mukul Biswas if he is ready to take 09 copies of the documents proposed to be marked in this case? Unfortunately, again ld. Advocate Sri Mukul Biswas refused to take the copy and submitted very loudly that this court has no authority to ask this question if he would receive copies or not. In this situation since the accused counsel refused to receive the copies of the documents in spite of court's request, and didn't file any adjournment prayer for preparation of defence, I think no prejudice will cause to the accused. Two copies are kept with case record.

Anyway, now the question if the Downloaded copies of E-mail and WhatsApp conversation along with certificate under section 63(4) of BSA issued by PW-7 can be marked exhibited in this case with objection of the parties to the case or not. Defence counsel objected the admission of the document on ground of not supplying it in due course of time.

Having regard to the submission of both parties, I am of the view that the documents proposed to be filed by the prosecution can't be refused merely on the ground, copies were not supplied earlier. The main object of criminal Trial is to give opportunity to prepare their defence. If the trial court has to decide each and every objection during recording of deposition of witnesses, it would create unnecessary delay in trial and witness has to stand in witness box prolong. It is the duty of the court to give ample opportunity to the defence to prepare their defence, but under no circumstances it can be said that document filed today can't be accepted by the court. The defence counsel in spite of court's request refused to receive the document's copy and therefore in my opinion no prejudice will cause to the defence for marking the documents with objection.

Accordingly Downloaded copies of E-mail and WhatsApp conversation is marked as Exbt.-17 collectively (with objection) Certificate given by the said witness is marked as Exbt. 18 (W.O) and signature of the PW-7 in the certificate is marked as Exbt. P-18/1 (W.O)

However, Id. Advocates for all the accused fully cross-examined PW-7 and thereafter PW-7 discharge.

To 06/01/2026 for production and for evidence CSW No. 7 and 16
To 08/01/2026 for production and for evidence CSW No. 8 and 9
To 16/01/2026 for production and for evidence CSW No. 10 and 11
To 19/01/2026 for production and for evidence CSW No. 12 and 13
To 21/01/2026 for production and for evidence CSW No. 14 and 15
To 28/01/2026 for production and for evidence CSW No. 17 and 18
To 30/01/2026 for production and for evidence CSW No. 19 and 20
Prosecution is to file proper requisite for issuing of summons to the witnesses.

True copy of deposition of PW-7 supplied to the Id. Advocate Sri Mukul Biswas and to the Spl. PP. Id. Advocate Sri Joydeb Haldar already left the court after cross examination. Case shall be taken up at 03.00 p.m.

Additional Sessions Judge,
Fast Track Court-II, Bongaon,
North 24 Parganas.