

S.T. 14(4)2009

Order no. 248

Dated, 01.04.2023

Today is fixed for production, appearance, evidence and hearing the petition dated, 01.03.2023 filed by the prosecution.

Out of 23 accused persons 16 accused persons are present by filing hazira. The rest of the 7 accused persons on J.C. are produced from J.C. and remanded to J.C.

Ld. P.P. in charge files hazira. PW-14 Dr. Simanti Sinha who was partly cross-examined on 01.03.2023 is present before the court today. PW-14 is cross-examined in full and after examination the witness is discharged.

At the time of cross-examination, Ld. Defence Advocate pointed out that during evidence in chief of PW-14 the date was wrongly mentioned on 20.10.2008 in the prescription which was issued by Dr. Simanti Sinha in stead of 29.10.2008. For this reason the said document was wrongly marked exhibit-20 on the document of discharge certificate instead of prescription dtd. 29.10.2008.

Heard. Considered. Prosecution raises no objection.

B.C. is directed to make necessary correction by marking the prescription dated, 29.10.2008 as Exbt..20.

Heard the Ld. P.P.incharge and the Ld. Advocate for the defence on the petition dated, 01.03.2023. Perused the petition and other materials on record.

In the instant petition the prosecution prays for an order marking all the medical papers of R.G. Kar Medical College & Hospital filed by the prosecution in this case as exhibited document. It is stated that PW-14 had identified all the medical documents of Hamid Molla issued by R.G.Kar Hospital as she was one of the members of the medical team. Perused the medical papers submitted on behalf of prosecution and the deposition of PW-14. The Ld. Advocate for the defence has raised strong objection against the instant petition and stated that Dr. Simanti Sinha was a medical student at the relevant time and only those documents signed by her were marked as exhibits in this case. That the defence has strong objection if all the documents

issued by the R.G. Kar Medical College & Hospital not signed by PW-14 be marked exhibits without calling the concerned doctors who issued those documents. It appears that only those documents authored or signed by PW-14 have been marked Exhibit in this case.

This is not a petition u/s 294 of Cr.P.C. where the genuineness of the documents are not disputed. In the circumstances, I am of the considered opinion that the prosecution must takes steps to prove the medical documents in accordance with law by calling the concerned doctors so that the defence gets an opportunity to cross-examine on those documents.

Accordingly, the prayer made on behalf of prosecution cannot be acceded and the petition dated, 01.03.2023 is rejected.

Prosecution is directed to take steps to bring the rest of its witnesses.

To 08.05.2023 for appearance, production and evidence.

D/C

Additional Sessions Judge,  
Fast Track 3<sup>rd</sup> Court, Basirhat