

S.T. 14(4)2009
Present – Shri Sanjay Naskar Id.P.O
J.O Code (UID No) WB01025

Order no.293
Dated, 06.11.2025

Out of 23 accused persons, six accused persons namely, Siraj Molla, Ajij Dhali, Hafijul Molla, Mostan Ali Gazi, Ajet Dhali, Mir Ali Sardar are produced from J.C. through V.C. and identified by the data entry operator of the concerned correctional home and taken into custody and remanded to J.C.

Accused Alauddin Molla, Kutubuddin Molla are absent and represented u/s 317 of Cr.P.C. Rest accused persons are present.

As fixed, the two petitions dated, 17.09.2025 filed by the prosecution praying for recalling the I.O. PW-16 and examining the judicial Magistrate who conducted the TIP in respect of the accused Kader Molla, Osman Gazi, Ganesh Mondal, area taken up together for hearing.

The Ld. P.P. in charge submitted that inadvertently, he did not notice that the TIP reports and two seizure lists remained out of exhibit list and necessary witnesses have not been examined to get the said documents marked exhibits. So, he prays for necessary order in this behalf.

The Ld. Advocate for the accused persons raised objection.

Having heard both the sides and on perusal of the record, it appears that the record is voluminous one. It appears that the seizure list dated, 31.10.2018 showing seizure of stone chips from the possession of the accused Majed Gazi leading to his statement and the seizure list dated, 20.10.2008 showing seizure of wearing apparels of the deceased have not been admitted in evidence. The said two seizure lists and TIP reports in respect of the accused Kader Molla, Osman Gazi, Ganesh Mondal are important documents for the prosecution and required for proper decision of the case. In absence of the documents, there may be a missing link which may connect the accused persons with the alleged offence. As the same time, the TIP report may help the accused to prove that the actual culprits remained out of the track. So, the above mentioned two petitions are liable to be allowed.

Hence, it is

Ordered

the instant two petitions dated, 17.09.2025 filed by the prosecution praying for recalling the I.O. PW-16 and examining the judicial Magistrate who conducted the TIP in respect of the accused Kader Molla, Osman Gazi, Ganesh Mondal, are considered and allowed on contest.

Prosecution is directed to complete the evidence in one schedule.

To 20.11.2025 for examination of the Ld. Judicial Magistrates who conducted the TIP in respect of the accused Kader Molla, Osman Gazi, Ganesh Mondal.

To 01.12.2025 for evidence of IO.

Addl. Sessions Judge,
Fast Track 3rd Court, Basirhat, North 24 pgs.