

S.T. 61 of 2019
In the Court of the Ld. Addl. Sessions Judge, FTC 3rd Court, Basirhat.

Present:-
Sri Sanjay Naskar(**WB01025**)
Addl. Sessions Judge, F.T.C. 3rd Court, Basirhat.

Order no. 57 dt. 11.06.2024

Accused namely, Mrinal Kanti Sarkar, Puja Lal Bahadur, Hasirul Laskar are present. Accused Rafikul Laskar, Israfil Laskar are produced from J.C. and taken into custody. The accused Gouri Tamang is not produced. The Superintendent, Alipore Women Correctional Home has sent an intimation to this court stating that due to inadvertent mistake they could not produce the accused Gouri Tamang. However, the Ld. Advocate for the accused Gouri Tamang is present.

The witness CSW No.8 S.I. Tanumay Das is present. He is examined as PW-4 and he is cross-examined by the Ld. Advocate of the accused persons except accused Gouri Tamang. His cross-examination is declined by the accused Gouri Tamang. The Ld. Advocate for the accused Gouri Tamang has filed a petition praying for bail.

The Ld. Advocate for the accused submitted that the prosecution has examined as many as four witness till date but neither of them has been able to state anything involving the accused Gouri Tamang into the alleged crime. So, she should be released on bail.

Ld. P.P. -in-charge raised objection.

Heard both sides. Perused the record.

This is a case u/s 363/ 366/ 368/ 370/ 370A/ 342/ 343/ 344/ 346/ 419/ 120B of IPC read with sec. 3/ 4/ 5/ 6/ 7/ 9 of I.T.P. Act. PW-1 as well as the PW-2 are the victims in this case. It is the case of the prosecution against this accused Gouri Tamang that she was the Manager of brothel where the victim girls have been sold off by the accused Rafikul Laskar and the accused Gouri Tamang tortured the victim girls severely and forced them into prostitution under the instruction of brothel owner, the accused Puja Lal

Bahadur. The PW-1, the victim identified the accused Gouri Tamang at the Correctional Home in T.I.P. as well as before the court at the trial. PW-2, another victim girl specifically stated in her evidence that the Manager and owners of the brothel did not allow her to go back to her house and they disclosed that PW-2 was sold to them for prostitution and they forced her and other girls for prostitution. The accused Gouri Tamang forced the victim girls for prostitution and PW-2 identified the accused Gouri Tamang in the court at the time of recording her evidence.

In view of the said evidence of the victim girls, this court finds no ground to release the accused Gouri Tamang on bail. So, the bail prayer of the accused stands rejected.

As fixed the petition dated, 06.06.2024 u/s 311 of Cr.P.C. filed by the accused is taken up for hearing.

The Ld. Advocate for the accused Puja Lal Bahadur submitted that during the course of cross-examination of the PW-1 & 2, victim girls, the Ld. Advocate for the accused inadvertently failed to bring the denials of the examination-in-chief of both PW-1 & 2 in record and it has caused prejudice to the accused and so, he prays for re-cross-examination of both PW-1 & 2 only to introduce the denial part of their examination-in-chief in record.

The Ld. P.P. in charge raised objection.

Heard both sides. Perused the record.

It appears from the cross-examination of PW-1 specially the question nos. 125 to 168 that the Ld. Defence Counsel has brought every denial of the examination-in-chief of PW-1 on record. So, there is no question of re-cross-examination of PW-1 as sought for by the Ld. Defence Counsel. But the denial of examination-in-chief of PW-2 was not properly introduced in cross-examination and so, the instant petition is liable to be allowed in part.

Hence, it is

Ordered

that the instant petition dated, 06.06.2024 filed by the accused Puja Lal Bahadur for re-cross-examination of PW-1 and 2 is

considered and allowed but in part. **The prayer for re-cross-examination of PW-1 is refused.**

The defence may re-cross-examine the PW-2 only to put the denial of the examination-in-chief of PW-2.

Thus this petition is disposed of.

To 01.07.2024 for re-cross-examination of PW-2, if any, only to put the denial of the examination-in-chief of PW-2 and evidence of other prosecution witnesses.

To 03.07.2024, 04.07.2024 and 05.07.2024 evidence of the prosecution witnesses i.e. treating doctor and the I.Os as per submission of Ld. P.P. in charge. #

Dictated & Corrected by me.

Addl. Session Judge, Fast Track
3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. Session Judge,
Fast Track 3rd Court, Basirhat.