

**S.T. 61 of 2019**

**In the Court of the Ld. Addl. Sessions Judge, FTC 3<sup>rd</sup> Court, Basirhat.**

Present:-

Sri Sanjay Naskar(**WB01025**)

Addl. Sessions Judge, F.T.C. 3<sup>rd</sup> Court, Basirhat.

**Order no. 63 dt. 02.08.2024**

Today is fixed for production, appearance and hearing petition u/s 294 of Cr.P.C. read with section 80 of Evidence Act.

The accused Gouri Tamang, Rafikul Laskar and Israfil Laskar are produced from J.C. and remanded to J.C. Accused Mrinal Kanti Sarkar, Hasirun Laskar and Puja Lal Bahadur Sarma are present by filing hazira. Ld. Lawyer for the victim girl is present. Ld. P.P. in charge is also present.

Heard both sides. Perused the record.

It appears that by taking aid of section 294 of Cr.P.C. and section 80 of Evidence Act, the Ld. P.P. in charge is intending to introduce the report of the T.I. parade of the accused as well as the statement of the witnesses recorded u/s 164 of Cr.P.C. in evidence and he prays for marking the said documents as exhibits. But on perusal of the materials on record, it appears that the accused denied the veracity of the contents of the report of T.I. parade of the accused persons and disputed the version of the statement of the witnesses recorded u/s 164 of Cr.P.C. So, this court finds that the prosecution is not entitled to get the benefit of section 294 Cr.P.C. read with section 80 of Evidence Act. So, the instant petition is liable to be rejected.

Hence, it is

**Ordered**

that the instant petition u/s 294 of Cr.P.C. read with section 80 of Evidence Act, filed by the prosecution, is considered and rejected on contest.

To 21.08.2024 for evidence of the prosecution in respect of the aforesaid report of T.I. parade and statement recorded u/s 164 of Cr.P.C.

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.