

**S.C. No. 22 of 2022 (Reg 22/22)**

Later  
12.02.2024

Ld. Addl. PP filed a petition dated 05.12.23 for exhibiting the 164 Cr.PC statement of witness Bijoy Buskey who has already deposed in this case.

The said petition is taken up for hearing.

It is submitted by ld. Addl. PP that the 164 Cr.PC statement of witness Bijoy Buskey is to be exhibited in this case as per the decision of **2010 (2) E Cr. N (Cal) 569 (CALCUTTA HIGH COURT) CRR No.541 of 2010.**

Heard both sides. Perused the petition, evidence etc.

It appears that the witness Bijoy Buskey who has examined as PW2 deposed during his evidence that he has given a statement before ld. Magistrate. It appears that in the said statement the witness has given his LTI hence it could not be exhibited at that time.

In view of the observation of High Court, Calcutta that –

“Such statement of witness – Can very well be admitted into evidence and be marked as exhibit without the learned Magistrate who recorded the statement being examined in Court – But such statement not being a substantive piece of evidence can only be used either to contradict or corroborate the maker thereof.”

Under such circumstances, the 164 Cr.PC statement of witness Bijoy Buskey be marked as **Exbt.9 (P.9)**.

The petition is thus allowed and disposed of.

Dictated & Corrected by me

Addl. Sessions Judge  
1<sup>st</sup> Court, Purulia.

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