

**Special S.T. No. 03(02)2024**  
**Special Case No.281/2023**  
**CNR - WBSP01-012998-2023**

Ref.:Jadavpur PS Case no: 150/2023 Dated : 11.08.2023

U/s 302/34 of I.P.C read with Sec 12 of the Protection of Children from Sexual  
Offence Act 4 of the West Bengal Prohibition of Ragging in Educational Institute  
Act, 2000

Present : Rimpa Roy (JO Code - WB00822)  
Judge, Special Court & 2nd A.S.J.,  
Alipore, South 24-Parganas.

Order No. 36

Dt. 19.08.2025

Accused persons namely 1. Sourav Chowdhury, 2. Dipsekhar Dutta, 3. Manotosh Ghosh, 4. Asit Sardar, 5. Saptak Kamilya, 6. Md. Asif Afzal Ansari, 7. Ankan Sarkar, 8. Md. Arif, 9. Sumon Naskar, 10. Satyabrata Roy, 11. Sk. Nasim Akhtar and 12. Himangshu Karmakar are produced before this Court from J/C through VCS.

Today is fixed for further evidence of PW 10 / CSW 3.

P.W. 10 is present and he is examined-in-chief in full. During his examination-in-chief the mobile phone of the victim boy along with two envelopes have been collectively marked as MO-36.

At this stage two petitions have been filed by the Ld. Advocates for the accused persons u/Sec.231(2) of Cr.P.C. for deferring the cross-examination of CSW 3 / PW 10 till completion of examination-in-chief of the witnesses being CSW 4, CSW 5 & CSW 6.

Both the petitions are taken up together for hearing in presence of Ld. Defense counsel, Ld. Special P.P and Ld. Advocate for the Defacto complainant .

At the time of hearing Ld. Defense counsel for the accused Asif Afzal Ansari and Ankan Sarkar submitted that that CSW3, CSW4 , CSW5 & CSW6 are family members and are interested witnesses as such the evidence adduced by these witnesses would be alike and in the event of conducting cross examination of any of the witnesses prior to completion of the examination in chief of the rest witnesses , there would be possibility of disclosure of the defence of the petitioners and the total defence case of the petitioners would be tarnished and there would be a possibility of fill up the lacuna of the prosecution case . Ld. Defense Counsels have prayed for allowing the petition u/s 231(2) Cr.P.C and permit to cross examine all the 4 witnesses after completion of their examination in chief .

Ld. Special P.P for the prosecution raised objection against the petition u/s 231(2) Cr.P.C . He referred a decision of the Hon'ble Apex Court in c/w with Criminal Appeal 1321 of 2018 and a decision of Hon'ble Calcutta High Court reported in C.R.R 2533 of 2017 .

Heard Ld Defense Counsels and Ld. Special P.P for the prosecution .

I have meticulously gone through the petitions , materials available on record

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and the decisions referred . On careful perusal of the materials on record I find the CSW4, CSW5 & CSW6 are the wife , son and brother in law of PW10 . On perusal of the guidelines of the Hon'ble Apex Court in above referred decision I think that this is a fit case to invoke the provision of Sec 231(2) Cr.P.C and to defer the cross examination of CSW4 , CSW5 & CSW6 as prayed for .

Accordingly, the petition u/s 231(2) Cr.P.C is allowed .

I make it clear that no unnecessary adjournment should be allowed subject to satisfaction of this Court.

The bail application filed on behalf of accused Asit Sardar is taken up for hearing .

Ld. Advocate for the accused person has submitted that the accused is innocent and has been falsely implicated in this case. Ld. Advocate has further submitted that his clients are in custody since long and evidence of ten prosecution witnesses have already been recorded. Thus, he prayed for bail of the accused persons in any condition.

Ld. Special P.P. has raised strong objection against the prayer for bail.

Defacto complainant is also present along with his Ld. Advocate . He has raised strong objection against the prayer for bail.

Heard the Ld. Advocate for the accused, Ld. Special PP and the defacto complainant. Perused the materials in the case record including the evidence recorded till date.

It transpires from the materials in record including the evidence of the prosecution witnesses recorded so far that there are sufficient incriminating materials against the accused petitioner showing his direct involvement in the commission of alleged offence. Moreover, other vulnerable witnesses are yet to be examined. The Hon'ble High Court , Calcutta had been pleased to reject the bail prayer of the co accused .Thus having considered the above facts and circumstances I do not propose to enlarge the accused person on bail.

Hence, the prayer for bail is rejected.

One application has been filed by the Ld. Advocate for accused Md. Asif Afzal Ansari praying for dental treatment of the accused in a recognized private hospital as his dental health is deteriorating and causing continuous pain.

I have heard the Ld. Advocate for the accused and the Ld. Special PP.

Ld. Special PP left the matter to the discretion of the Court for passing necessary order.

Having considered the submissions of Ld. Counsel for the accused, Ld. Special P.P and considering the documents filed by the accused regarding his treatment

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**Superintendent of Presidency Correctional Home** is directed to take all sorts of appropriate measures so that accused Asif Afzal Ansari get proper medical aid for his dental treatment in any Govt. Super Specialty hospital or any other hospital which the Superintendent of Presidency Correctional Home deems fit and proper after consulting all medical papers of the accused Md. Asif Afzal Ansari relating to dental treatment and to file report in this regard positively by the next date fixed.

**The Superintendent of Presidency Correctional Home** to take all sorts of safety and security of this accused during to and fro journey during his treatment, if necessary outside the correctional home.

Let all the accused be remanded to J/C till the next date.

To **28.08.2025** for production of the accused persons from J/C and evidence.

Prosecution to issue summons accordingly.

D/c by me.

Sd/-

Judge, Special Court &  
2nd A.S.J., Alipore

Sd/-

Judge, Special Court &  
2nd A.S.J., Alipore.