

Special Trial No. 05 (09) of 2023
(CIS- 05/2023)

Present: Sri Anirban Das (WB00691)
1st Addl. Sessions Judge, Sealdah

Order No. 49 Dated: 18.02.2026

The accused Sadia Aziz and Noain Ghani, Suja Nuser Ghani and Sadia Afsa are produced from JC.

The accused Amina Parveen, who is on bail, is present.

Ld. Advocates for all the accused persons are present.

Ld. Special PP is present.

In terms of order dated 16.02.2026 the PW-5 Dr. Swarnali Mukherjee is cross examined on recall by the Ld. Advocate for the accused Amina Parveen.

She is cross examined in full on recall and discharged.

Ld. Special PP submits that he will not adduce any more witnesses in this case.

Evidence on prosecution side is closed.

In terms of the direction of the Hon'ble High Court, Calcutta as passed in CRM (M) 2272 of 2025 dated 13.11.2025, fix **28.02.2026** for examination of the accused U/s 313 Cr.P.C.

A petition was filed on behalf of the accused persons with a prayer to supply the questionnaires to be placed to the accused persons during the 313 Cr.P.C so that the accused persons can prepared themselves to make proper reply.

Heard Ld. Advocate for the accused persons.

It was submitted that the said petition was filed as per provision of section 313 (5) Cr.P.C.

Ld. Special PP raised strong objection and submitted that this petition is not at all maintainable in the form filed by the accused persons.

I have gone through the provision of section 313(5) Cr.P.C.

The said section provides that the court may take help of prosecutor and defence counsel in preparing relevant questions which are to be put to the accused persons.

The provision of this section does not mean that the accused persons will get the questionnaires which will be put to them during their examination U/s 313 Cr.p.C.

In my view, the Ld. Defence counsel failed to interpret the provision of the said section and as such, the prayer made by the defence counsel can not be entertained in the light of the provision of section 313(5) Cr.P.C and as such, the said prayer stands rejected.

In this regard, I want to refer a decision of the Hon'ble Delhi High Court as reported in 2019 SCC online Del 8653 (Dayanand Vs State of NCT of Delhi).

However, the prosecution as well as defence are at liberty to place suggestive questions which may be put to the accused persons during their examination U/s 313 Cr.P.C by 24.02.2026.

On receipt of the said suggestive question, if any, this court can prepare the proper questionnaires to be placed to the accused persons during their examination U/s 313 Cr.P.C.

To date.

Dictd & Corttd by me

1st A.S.J., Sealdah

(Anirban Das) WB0691
Addl. Sessions Judge,
1st Court, Sealdah