

S.T. No.03(03)2019
S.C.No.27(12)2018
(CIS-255 of 2018)
(CNR No. WBSP07-004267-2018)
(J.O. No. WB00702)

Order No.29 dated 19.05.2022

This day is fixed for production of the accused namely, Bapi Mondal and for further examination in chief of P.W.1 namely, Sri Gopal Saha. The I.O. of this case namely Kamakkhya Naryan Singh is present along with one Goldsmith namely, Ejaharul Haque Khan and the Photographer namely, Sk. Shanwaz Alam are present in view of the direction given by this Court dated 02.04.2022.

Ld.P.P.-in charge is present and the Ld. defence Counsel is present. On this date, P.W.1 namely, Gopal Saha is further examined by the prosecution in part. During adducing his evidence, P.W. 1 has succeeded to mark the gold chain as Mat. Ext.I .

Since it is a very valuable article/item, it is unsafe to keep the said Gold Chain (Mat. Ext.-I) in the custody of the Court as there is no safe/secured vault or locker with the Court to keep the same.

In the aforesaid circumstances, the I.O. is directed to do an inventory of the said gold chain (Mat.Ext.-I) in the open Court in course of this day in presence of a certified goldsmith, Photographer and in presence of Ld. P.P-in-charge. By taking of a photograph of the same and making report thereto by this day.

I.O. is further directed to take the signatures of the photographer and the goldsmith on the back side of the photograph and the report. The I.O. is also directed to put his counter signature upon the backside of the said photograph and also put his signature and endorsement on the said inventory report. The I.O. is further directed to submit a certificate of the gold chain in this regard by this day.

Dictd. & Corttd. by me
Sd/-Bibhas Chatterjee
Addl. Sessions Judge,
2nd Court, Sealdah

Sd/-Bibhas Chatterjee
Additional Sessions Judge
2nd Court, Sealdah

Later Order dated 19.05.2022

It is now 12-30 P.M.

Pursuant to the direction passed by this Court on this day, the I.O. submitted the inventory report of the gold chain (Mat.Ext.-I) and the photographs of Mat. Ext.-I which bear the signature of the I.O., Photographer and the Id.P.P.-in-charge with date. Let the photograph of gold chain be marked as Mat. Ext.-I/1 after tallying with the Mat. Ext.-I and the seizure list dated 15.10.2018 in respect of its weight, design , length and possession of the said chain. The inventory report of the I.O. dated 19.05.2022 be marked as ext.-5.

Since there is no vault or safe and secured almira in this Court, it is not safe to keep the said valuable chain weighing 8.040 mg., as mentioned above.

In view of the above mentioned procedure, I think it would be safe and convenient to return the said gold chain (Mat. Ext.-I) to P.W. 1 Gopal Saha on executing a fresh zimmanama bond as per as the condition will be imposed. Accordingly, the gold chain (Mat, Ext.-I) be returned to the P.W.1.

P.W.1 is directed to execute a zimmanama bond of Rs.1,00,000/- for the interim custody of the said gold chain (Mat. Ext.-I) till disposal of the trial with an undertaking that he will not tamper, change the nature and character, design, length and possession of the said gold chain (Mat. Ext.-I) until further order of this Court. He is also directed to give an undertaking to produce the said gold chain (Mat. Ext.-I) as and when called for by this Court. If the zimmanama bond as mentioned above, be submitted by the P.W.1 in course of this day let the same be kept with the record.

Dictd. & Corttd. by me
Sd/-Bibhas Chatterjee
Addl. Sessions Judge,
2nd Court, Sealdah

Sd/-Bibhas Chatterjee
Additional Sessions Judge
2nd Court, Sealdah

Later Order dated 19.05.2022

It is now 03-00 P.M.

On this day, P.W.1 namely Gopal Saha is further examined in chief. P.W.1 has succeeded to mark the gold chain along with the photograph as Mat. Ext.-I and Mat. Ext.-I/1 respectively. The Inventory Report of the I.O. dated 19.05.2022 is marked as Ext.-5. On the basis of the prayer of the ld. P.P.-in-charge further examination in chief of P.W.1 is deferred on the ground stated therein. The zimmanama bond has been filed by P.W.1 in pursuance of the order passed by this Court. Let the same be kept with the record.

To 12.07.2022 for examination in chief of P.W.1 and his cross examination.

To 13.07.2022 and 14.07.2022 for further evidence of P.Ws.

Prosecution is directed to take appropriate steps to ensure the presence of the witnesses positively on the dates fixed.

Todates for production and evidence.

Dictd. & Corttd. by me
Sd/-Bibhas Chatterjee
Addl. Sessions Judge,
2nd Court, Sealdah

Sd/-Bibhas Chatterjee
Additional Sessions Judge
2nd Court, Sealdah