

CIS No. 05/2023
ST- 01(05)2023
CNR NO.WBSP 15-000089-2023
J.O.Code- WB00859

Order No. 09

Dated: 13.03.2024

Today has been fixed for hearing of the petition dated 06.12.2023 filed on behalf of the accused persons and appearance of the accused persons who are on C/B.

One accused person namely, Gandhi Kumar Tikadar is present by filing hazira and the remaining 17 accused persons are absent by filing petition.

Both the Ld. Advocate of the accused persons and the Ld. P.P. in-charge are found present.

The said petition dated 06.12.2023 is taken up for hearing.

Heard the Ld. Advocate of the accused persons and the Ld. P.P. in-charge.

Perused the said petition and the case record.

Considered.

In the said petition dated 06.12.2023. The accused persons have prayed for supplying the following documents.

i) the original G.D entry book of Dholahat police station containing all the G.D. entries recorded on 08.04.2022.

ii) The original log book of the vehicles of Dholahat police station used on 08.04.2022.

iii) C.C.T.V footage of both inside and outside Dholahat police station of 08.04.2022.

The Ld. Advocate of the accused persons submitted that the aforesaid documents and C.C.T.V. footage are required for fair trial and to make out his Defence case.

The Ld. P.P. in-charge raised objection to the said prayer made by the accused persons. He submitted that after commencement of trial the accused persons can not make such prayer. According to the Ld. P.P. in-charge, the accused persons got ample opportunity prior to commitment of this record and also till the date of framing of charge. As they have not availed such opportunity, such prayer cannot be made at this stage. Accordingly, the Ld. P.P. in-charge prayed for rejection of the instant petition.

On perusal of the record it appears that this case was initiated on the basis of the written complaint made by one Bappa Sarkar, P.S.I of Dholahat police station on 08.04.2022. According to the said complainant, on 08.04.2022 at about 10:15 hours he along with R.T force was conducting raid to arrest one accused person namely, Bhagyadhar Mondal. When they reached Milan More they conducted raid and arrested the said accused person. Meanwhile, a agitated mob assembled at the spot and they prevented the police party from arresting said Bhagyadhar Mondal. The complainant informed his superior officer and more police force was sent to the spot. Ultimately police arrested Bhagyadhar Mondal and 14 others persons who were part of the said mob and who assaulted the police party and prevented them from discharging their official duty.

This case stared against the said 14 accused persons and at the time of submission of charge sheet 18 persons were named as accused persons of this case.

On perusal of the written complaint it appears that in the same there has been mention of G.D. entry no. 376 dated 08.04.2022. In the formal FIR, G.D entry being no. 385 of 2022 has been mentioned. Therefore, these two G.D. entries are necessary for the purpose of this case. However, this Court do not find any justification behind the prayer of the accused persons for inspection of all the G.D. entries made at Dholahat police station on 08.04.2022.

In the written complaint as well as in the charge sheet nothing has been mentioned as to how the re enforcement of police party were sent to the P.O. when the mob allegedly tried to prevent the R.T. party from apprehending Bhagyadhar Mondal. Therefore, at this stage one cannot presume that such re enforcement was sent at the P.O with the help of police vehicle from Dholahat police station. The distance between the police station and the P.O. is important in this matter. Therefore, at this stage this Court do not find it necessary to supply copy of the log book of the police vehicles of Dholahat police station used on 08.04.2022 as prayed for by the accused persons. However, if at a later stage it is revealed that the re enforcement was send by police vehicles, this matter can be re considered if the accused persons make such prayer at that time.

Similarly according to the complainant, the police party was assaulted and prevented from discharging their official duty at Milan More. Thus C.C.T.V footage of inside and outside of Dholahat police station premises is not relevant for the purpose of this case.

Accordingly this Court is of the of the opinion that only the extract copy of G.D. entry no. 376 dated 08.04.2022 and 385 dated 08.04.2022 should be supplied to the Ld. Defence Counsel for conducting the trial of this case. The prayer for supply of other documents and the C.C.T.V. footage is rejected at this stage.

With the above observation the petition dated 06.12.2022 filed by the accused person is disposed of.

Fix 15.05.2024 for appearance of the accused persons and supply of extract copy of G.D. entry nos. 376 dated 08.04.2022 and 385 dated 08.04.2022 of Dholahat police station.

The accused persons are to remain on C/B as before.

Let a copy of this order be sent to the officer in charge of Dholahat police station for his information and compliance.

D/C by me,

A.S.J. 2nd Court, Kakdwip
South 24 Parganas

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