

**CIS No.74/2018**  
**ST- 223(09)2018**  
**CNR No.WBSP 15-000663-2018**  
**J.O.Code- WB00859**

**Order No. 94**

**Dated: 06.02.2025**

Today has been fixed for production of the accused persons and hearing argument of this case.

All the three accused persons of this case, who are in judicial custody, are produced before the Court in virtual mode.

Sri Amitava Roy has filed his appointment as the Ld. P.P. of this case. Let the same be kept with the record.

The said newly appointed Ld. P.P. has filed a petition u/s 311 Cr.P.C. praying for examining two witnesses namely Sk. Jahangir Ali, 3<sup>rd</sup> I.O. of this case and Dr. Chittrakshya Sarkar, senior scientific expert who prepared the FASL report in connection with this case.

Copy of the said application has been served upon the Ld. Advocates of the accused persons.

The Ld. P.P. submitted that due to oversight of the earlier Ld. P.P. of this case, the 3<sup>rd</sup> I.O. and the scientific expert could not be examined as witnesses in this case. However, the evidence of the said two witnesses are vital and important for the case of the prosecution. Thus, he prayed for allowing the said petition and examining the said two witnesses.

The Ld. Advocate appearing on behalf of the accused persons namely, Narayan Rang raised his objection against the said petition. He submitted that the said petition is defective as the same is not supported by any verification or affidavit. He further submitted that in the letter dated 03.10.2024 of L.R. Government of West Bengal the P.S. Case No. has been given as 140 of 2018 whereas this case is in respect of Harwood Point Coastal P.S. Case No. 40 of 2018. Thus, the said letter cannot be treated in connection with this case. He also submitted that by order dated 24.09.2024 this Court closed the evidence of the prosecution witnesses and fixed the case for examination of the accused persons u/s 313 Cr.P.C. Thereafter, on 10.12.2024 examination of the accused persons u/s 313 Cr.P.C. were also done. Thus, at this stage there is no scope for the prosecution to file the petition u/s 311 Cr.P.C. More so, by filing the instant petition the prosecution is trying to fill up the lacuna of its case, which is not permissible under the law. Thus, the Ld. Advocate of the accused Narayan Rang prayed for rejection of the petition u/s 311 Cr.P.C. filed by the Ld. P.P. today.

At this stage the Ld. Advocate of the other two accused persons namely Biswanath Patra and Sripati Halder prayed for time to file written objection against the petition u/s 311 Cr.P.C.

The said prayer is considered and allowed.

**Fix 19.02.2025 for further hearing of the petition u/s 311 Cr.P.C. dated 06.02.2025 and production of the accused persons.**

D/C by me,

Sd/- A. Chattopadhyay

A.S.J. 2<sup>nd</sup> Court, Kakdwip  
South 24 Parganas

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