

ST-223(09)18

Order No.16

Dated: 02.07.2019

Accused persons name;y Biswanath Patra, Narayan Rang and Sripati Halder are in J/C and produced today before this court.

Today is fixed for hearing of an application dated 01.07.2019 and for evidence of PW-3 namely Lahana Halder. Ld. P.P.-In-Charge is present with one witness.

Ld. defence counsel is also present.

The case record is taken up for hearing of the app;ication dated 01.07.2019 filed by the Ld. P.P.-In-Charge.

Ld.P.P.-In-Charge submitted that admissibility and relevancy of as evidence will be decided at the time of final arguement of a case and the deposition of a witness should be recorded after noting the objection of other side.

Ld. Defence Counsel raised strong objection and submitted that such evidence as deposed by PW-3 as "We did not lodge any complaint uut of fear because the present accused persons were the accused persons in another murder case." should not be recorded in view of the provision of Section 151 and Section 54 of the Indian Evidence Act.

Heard both sides at length.

Considering the submission of the both sides and after going thtough the decision of the Hon'ble Apex Court reported in (2001) 3 SCC. 1, I am of the view that such statement of PW-3 should be recorded and the objection of the Ld. Defence Counsel is to be noted down which will be decided at the time of final arguemnet.

Thus petition dated 01.07.2019 filed by the Ld. P.P.-In-Charge stands disposed of accordingly.

Now the case recorded is taken up for the evidence of PW-3.

PW-3 is exaimined in chief in full and cross examined in part.

Signature of the PW-3 upon her statement recorded u/s 164 of Cr.P.C. are marked as exhibit 4 and exhibit 4/1 respectively.

Ld. Advocate appearing on behalf of tthe accused persons files a petitionn praying for adjournment on the ground stated therein.

Copy served. Ld. P.P.-In-Charge raised no objectiion.

Heard both sides. Considered.

Considering the above facts prayer for adjournment is allowed.

Fix-04.07.2019 for further cross examination of PW-3, namely Lhana Halder and other wotness.

To date for productiion fo all the accused persons.

D/C by me

ADJ, 2nd Court

ADJ,2nd Court,Kakdwip,South 24 Pgs.