

NO. 6

26

Order Sheets in sessions Case NO. 4(10)90 (S.T. 1(11)90) of the Court of the Sessions Judge, Alipore. 24-Pgs (5) and the Addl. Sessions Judge, 2nd Court, Alipore. 24-Pgs (5) dated from 23.10.90 to 12.8.91.

Orl.P.No. 1

In the Court of Sessions Judge, 24-Parganas

Alipore

S.C. 4(10)90
C.G.R. 716/90

State

VS

Dhananjoy Chatterjee @ Dhona

U/s 302 I.P.C.

1/ 23.10.90.

Notification of commitment made on 5.9.90 by S.D.J.M. Alipore against the accd. received today. Register. Cognizance is taken. Accd. is produced from custody. To 25.10.90 for production.

Sd/- Illegible

Sessions Judge.

2/ 25.10.90.

Accd. is produced from custody. To 7.11.90 for production.

Sd/- Illegible

Sessions Judge.

3/ 7.11.90.

Accd. person is produced from custody.

Interpreted to Sri R.N.Kali, Addl. Sessions Judge 2nd Court Alipore for

Sd/- R.N.Kali

Sessions Judge.

4/7.11.90.

The record is received on transfer from the ld.

Orl.P.No. 1

ld. Sessions Judge. Accused is produced from J.C. State is represented by the ld. P.P. The accused on my query submits that Shri Swapan Dey, ld. lawyer, represented him so long. He prays for a short adjournment for enabling him to appoint a lawyer to defend him in this case. He declines an offer of representation by a lawyer from the panel maintained in this court. The matter cannot be kept pending for an indefinite period.

Fix 14.11.90 for taking necessary measures by the accused for appointment of a lawyer to defend him. In case he fails to appoint a lawyer to defend him on the date fixed, I shall have no alternative but to appoint a lawyer from the panel maintained in the court for the purpose of his defence.

To date for consideration of charge.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

Order no.5

Dated : 14.11.90.

Accused is produced from J.C.

No ~~any~~ lawyer has been appointed by him for his representation. State is represented by the ld. P.P. along with his junior Gautam Dutta. Accused prays for 7 days time to appoint a lawyer on his behalf. He submits that he shall not pray for further time for the appointment of a lawyer to defend him. He specifically

Orl.P.No. 1 contd, & 12

He specifically states that in case he is not in a position to appoint a lawyer of his choice to defend him within 7 days, he would seek the assistance of a lawyer to be appointed by court from the panel maintained in the court for conducting defence of an accused by a lawyer at State expenses. In view of this submission of the accused I would like to give 7 days time to him to appoint a lawyer. However, it is specifically recorded that in case accused fails to appoint a lawyer within 7 days, a lawyer from the panel maintained in this court shall be appointed to defend him at State expenses provided he seeks assistance from the court for his representation by such a lawyer, otherwise he shall have to conduct his own defence. In no circumstances the matter shall be kept pending for the appointment of a lawyer for conducting his defence. Accordingly, fix 21.11.90 for representation of the accused by a lawyer of his choice to be appointed by him failing which for appointment of a lawyer at State expenses from the panel maintained in the court provided such a prayer is made by the accused on the particular day and for further orders. Accused to be produced on the date fixed.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali
A.S.J.

6/Later.

Register of works filed by the ld. P.P. in charge

Orl.P.No. 1 contd. & 2

in charge for his works on 14.11.90 (thursday(?))
as such orders be issued.

Sd/- R.N.Kali

Addl. Sess. Judge
2nd Court, Alipore (s)

7/ 21.11.90.

Accd. is produced from J.C. State is represented
by the ld. P.P. in charge. Ld. lawyer for the accd.
files a fresh vakalatnama along with a petition
praying for a short ~~adjournment~~ adjournment of consider-
ing of charge as stated in the petition. Hd. the
ld. lawyer for the accd. and also stated. Prayer is
allowed. To 28.11.90 for conditions of charge.

Sd/- R.N.Kali

Addl. Sess. Judge
2nd Court, Alipore (s)

8/ Later.

Register of weeks furnished by the ld. P.P. in
charge for the works on 21.11.90 (thursday) ~~xx xx~~ on
each orders be issued.

Sd/- R.N.Kali

Addl. Sess. Judge
2nd Court, Alipore (s)

Addl. Dist. & Sessions Judge
2nd Court, Alipore (S)

Ref :- Bhowanipore P.S.(Sec. 'T') Case No. 87

Dt. 6.3.90.

State

VS

Dhananjoy Chatterjee @ Dha^Mxa

U/S. 302/376/380 I.P.C.

Committing Officer :-

- 1. J.K.Das ----- Spl. P.P. (State)
- 2. Anil Biswas ----- for the accd.

S.T. Case No. 1(11)90
G.R. 716 of '90 (S.C. 4(10)90)

1./ 28.11.90.

Accused on bail is produced from J.C., He is represented by his Ld. Lawyer on record. State is represented by Mr. J.K.Das and Mr. Ganesh Maity, Ld. Special PPs. The appointment letter in respect of the Ld. Special P.Ps have not yet been received as yet. However, they undertake to file the appointment letter by the next date.

An application is filed on behalf of the accused praying for supplying the copies of the report of the chemical examination and the serologist, and also for a permission to visit the flat in presence of the Ld. Special P.Ps and the I.O. where the alleged incident occurred to enable the Ld. Defence Lawyer to prepare his defence properly. Heard the Ld. Lawyer for the accused and the Ld. Special P.P. it is submitted by the Ld. Special P.P. that the reports of the chemical

31

Orl.P.No. 1 contd. & 2

chemical examiner and serologist have since been supplied to the Ld. Lawyer ~~fm~~ of the case. Ld. Lawyer admits receipt of copies of the aforesaid reports. As regards the prayer for inspection of the flat, I am inclined to permit the Ld. Defence Lawyer to inspect the particular flat in the presence of Ld. Special P.Ps and the I.O. Accordingly, I.O. is directed to make necessary arrangement for inspection of the flat, where the alleged incident occurred, by the Ld. Defence lawyer, accompanied by his junior on record, and the Ld. Special P.P. with his junior, on 15.12.90, at 3 P.M. I.O. is directed to submit^a report on 17.12.90 as regards the implementation of the direction contained in this order.

Now, the case is taken up for hearing on the point of charge against the accused. Ld. Defence Lawyer declines to make any submission on the point of charge. Heard the Ld. Special P.P. Perused the materials on record. Prima facie materials exist for framing charges against the the accused u/ss. 302/376/380 I.P.C. Accordingly, charges are framed against the accused u/s. 302 I.P.C., 376 I.P.C. and u/s. 380 I.P.C. Charges so framed are read over and explained to the accused, who pleads not guilty and claim trial. As the accused is in detention I would like to fix up the dates of trial in this case straight way by giving it precedence over other cases pending at the stage on fixing dates of trial. The dates of trial be fixed in the following order.

Orl.P.No. 2

4.1.91.	---	---	P.W. 1 to P.W.3
7.1.91	---	---	P.W. 4 to P.W.6
8.1.91	---	---	P.W. 7 to P.W. 9
9.1.91	---	---	P.W. 10 to P.W. 12
10.1.91	---	---	P.W. 13 to P.W. 15
11.1.91	---	---	P.W. 16 to P.W. 18
14.1.91	---	---	P.W. 19 to P.W. 20
15.1.91	---	---	P.W. 21 to P.W. 23
16.1.91	---	---	P.W. 24 to P.W. 26
17.1.91	---	---	P.W. 27 to P.W. 30 ?

Dictated & corrected by me.

Sd/- R.N.Kali

Sd/- R.N.Kali

Addl. Sessions Judge.

Addl. Sessions Judge
2nd Court, Alipore.

2/4.1.91

Present : For R.N.Mallick Chowdhury (J.C.4th ADJ)Alipore

Accd. is produced ~~far~~ from J.C. I.O. files an application as per Courts order dated 28.11.90 regarding inspection of the said flat. Let it be kept with the record. Ld. Special P.P. files his appointment letter along with his junior. Two P.Ws are present today and one P.W. is absent by petition with M/C. P.O. is on leave. To date (7.1.91) for further evidence. Accd. as before.

Sd/- R.N.Mallick Chowdhury.

Addl. Dist. Judge
2nd Court, Alipore (S)

3/7.1.91.

Accd. is produced from J.C. State is represented by the Ld.P.P. in charge along with his junior. Five P.Ws are present today. P.O. is in charge of the Ld.

Orl.P.No. 2 contd. & 3

Ld. Dist. & Session Judge Alipore today. But Ld. Lawyer are not available due to their ceasework as per resolution of the Br. of the 11.30 A.M. The case is adjrd. Todate (8.1.91) for evidence.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (S)

4/8.1.91.

Accd. is produced from J.C. He is also ~~xxxx~~ represented of his Ld. lawyer on record. Spl. P.P. is represented along with his junior is also present today. Five P.Ws are present today. The case is taken up for hearing. P.W.1 Sentence Basu is examined on behalf of the prosecution the introduce the sketch map is marked Ext.1 and final sketch map is marked ext. 2 and blue print is marked ext. 3. He is cross examined on behalf of the accd. persons. The ~~capitx~~ wits is discharged. At the stage Ld. P.P. files a petition praying for recalling the P.W. on same point. Ex P.Wx is allowed. He is found in chief and Ext. 1/1. He is further cross-examined on behalf of the accd. persons. The wits. is discharged. P.W. 2 accd. Safqu Alam is examined on before of the ~~xxxx~~ prosecution, the introduced the 13 photo print as mat. ext. I collectively and 13 negatives as mat. ext. II collecigely and Mat. Ext.111 Photo. He is cross examined on behalf of the accd. present is declined.

At this stage a petition is filed on behalf of accused stating that witnesses ~~xxxx~~ Jashomati Parekh, Nagardas Parekh and Bhabesh Paresh should be examined

Orl.P.No. 3

examined and cross-examined on the same day, as otherwise, the defence would be prejudiced. It has also been stated in the said petition that witnesses Dasharath Murmu, Pratap Chandra Pati and Ramdhani Yadav should also be examined and cross-examined on the same day to remove an apprehension on the part of the defence that the defence case is not prejudiced by their piecemeal examinations and cross-examinations.

Heard the Ld. lawyer for the accused and the learned Special P.P.

While appreciating the contentions made in the petition on behalf of the defence, I cannot help recording that the petition should have come much earlier. Be that as it may, since the defence feels that it may be prejudiced unless the witnesses as stated above are examined and cross-examined in the manner as mentioned above, I am inclined to direct the prosecution to produce the aforesaid witnesses for their examinations and cross-examinations in the manner as stated in the petition. However, I would like to place on record that the witnesses so produced shall be examined and cross-examined one after another, and further evidence shall be led only in that manner. If the court's time permits, the three witnesses on each of the two dates to be fixed would be examined and cross-examined on the same day. However, if for some unavoidable reason court's time does not permit, examination of one group of witnesses shall be exhausted, and thereafter examination of the second group of witnesses shall be taken up. Ld. Special P.P. submits that witnesses Smt. Jashomati Pareek is suffering from some ailments and has been advised medical

Orl.P.No. 3

medical rest for 14 days beginning from 1.1.91. Thus, the particular witness cannot be produced before me for her examination prior to 15.1.91. In view of this development further trial of the case is required to be adjourned till 14.1.91. Ld. Special P.P. however submits that he has got some personal difficulties to attend court on the 15th instant. Thus, examinations of witnesses Jashmati Parekh, Nagardas Parekh and Bhabesh Parekh be fixed on 16.1.91 and examinations of Dasharath Murmi, Pratap Chandra Pati and Ramdhani Jadav be fixed on 17.1.91. Witnesses scheduled to be examined from 9th instant to 15th instant be directed not to attend court on the dates fixed for their respective examinations. They shall be summoned as and when necessary. Remaining witnesses fixed for examination today be also discharged. They shall be directed to attend court afterwards. Issue summons accordingly. I.O. who is present in court shall collect the summons and shall take measures to cause service of summons upon the witnesses and submit the returns by the date fixed.

Dictated & corrected by me

Sd/- R.N.Kali

Sd/- R.N.Kali

A.S.J.

Additional Sessions Judge
2nd Court, Alipore.

5/16.1.91.

Accused is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the learned Special Prosecutor and assisted by his junior. Three prosecution witnesses are present.

Prosecution presents witness Bhabesh Parekh for examination. Ld. defence lawyer raises objection to

Orl.P.No. 3 contd. & 4

to his examination before examination of the de facto complainant. He submits that he would be seriously prejudiced if the de facto complainant is not examined at the first instance and examination of this witness is taken up. He invites ~~my~~ my attention in this context to a prayer made by him earlier for examination of this witness and the parents of the victim on the same day.

I have already recorded that all the three witnesses would be examined today and accordingly they have been summoned. All of them have also turned up. Thus, it is necessary that the de facto complainant be examined before examination of the other two witnesses are taken up, particularly when defence has expressed apprehension that it would be prejudiced if the de facto complainant is not examined at the first instance.

At this state, ld. Special Prosecutor submits that the de facto complainant is suffering from some ailments and that she needs rest for sometime to present herself in the dock for her examination. He prays for a short adjournment and, accordingly, the case be posted for hearing at 12 noon.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

LATER

The trial is resumed at 12.10 P.M.

Orl.P.No. 4

De facto complainant Smt. Jashomati Parekh is presented in the dock. She submits that she is not in a position to talk as she has been suffering from some ailments. Learned Special Prosecutor also submits after talking to her that the witness is unable to depose today. He prays for an adjournment of hearing of the case till the 27th instant on the ground of illness of the de facto complainant, and files a petition accordingly.

As I have passed an order for taking up the examination of the de facto complainant at the first instance, further hearing of the case is not possible today and other two witnesses present cannot be examined. I understand that the case is fixed for hearing tomorrow for examination of another group of three witnesses in pursuance of my order dated 8.1.91. Ld. defence lawyer submits that unless the examinations of first group of witnesses are over, the examinations of the second group of witnesses should not be taken up, as in that event, he would be seriously prejudiced. I have already recorded that the second group of witnesses would be taken up for examinations only after conclusion of the evidence of the first group of witnesses. In these circumstances, the proposed examinations of second group of witnesses fixed for tomorrow have to be cancelled. The second group of witnesses shall be examined only after conclusion of

Orl.P.No. 4 contd. & 5

conclusion of the examinations of the first group of witnesses.

A petition is filed on behalf of the defence stating the contentions raised on its behalf and as noted in the petition.

Fixed 28.1.91, for examination of the first group of witnesses namely witnesses Smt. Jashomati Parekh, Nagardas Parekh and Bhabesh Parekh.

If examinations of three witnesses cannot be completed on the same day, the examinations of the remaining witnesses of this group shall continue till the same are exhausted. The second group of witnesses shall be summoned only after conclusion of examinations of the first group of witnesses.

Accused be produced on the date fixed at 10.30 A.M. without fail.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

6/28.1.91.

Accd. is produced from J.C. He is represented by his Ld. lawyer on record. State is represented by the Ld. Special prosecutor and assisted by his Junior. The P.Ws. are present today. Today are not available due to their cease work as per resolution of the

Orl.P.No. 5

of the Br. of the 11.30 A.M. B.O. is in charge of the
Ld. Dist. & Session Judge, Alipore. The case is adjrd.
to 11.2.91 for further hearing of the case. Accd. be
produced on the date fixed at 10.30 a.m. without fail.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

7/11.2.91.

Accd. is produced from J.C. and placed on the
dock. This also represented by his Ld. lawyer on record.
State is represented by the Spl. P.P. in charge and his
junior also. ^{All three?} The P.Ws. are present today. P.W. 3
Yashomati Parekh is examined on behalf of the produce.
She introduced the complt. ~~xx~~ is marked 'X' for
identification. Signature of the P.Ws. be marked Ext.2/1
(collectively) and another letter identified as marked
'Y' for identification. Signature of the P.Ws. is
marked Ext. 3/1 (collectively) and are (illegible)
as marked 'Y' for identification and wrist watch to
marked Mat. Ext. IV. and one sari , one blouse, one bro
one Panty and one underwear, as marked Mat. Ext.V
collectively and one Bed sheet. Ext. VI and one Jhulo
as marked Ext. VII and one photo Ext. 1/1.
She is cross examined on behalf of the accd. persons.
at length in full. The witness is discharged. The
remaining two other witness be present on the 13.2.91.

40
Orl.P.No. 5 contd. & 6

for further evidence. Accd. be produced at 10.30 a.m.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

8/13.2.91.

Accd. is produced for J.C. He is represented by his ld. lawyer on record. State is represented by the Special P.P. in charge and his junior also. The case is taken up for further hearing. At this stage ld. lawyer for the accd. files a petition. Praying for recalling the P.W.3 Smt. Yashomti Parekh on same present is stated and P.W. files. Hd. Prayer is allowed. P.W.3 is further recalled and cross examined in full. The witness is discharged. One P.W. is present today. P.W.4 Nagendra Pankh is examined on behalf of the prosecution at length. He introduced the matter is noted Ext. 4 and Ext. 4/1. and are suptd. list as marked 'w' for identification. Signature of the witness be marked Ext. 5/1 and two ~~intulls~~(?) be marked 'N' (collectively) the (illegible) 'M' for identification. The same be marked ext. 6/1 (collectively) and Ext. 7/1 and another seizure list as marked 'R' for identification. Signature of the witness thereon be marked Ext. 8/1 on one (illegible) as marked Mat. Ext. VIII. She is cross examined on behalf of the accd. person at length in full about 2-00 hrs. The witness is discharged. Another witness not examined today. Adjd. To 15.2.91 for further evidence. ~~and~~ Accd. must be present on the above date ~~and~~ fixed.

Sd/- R.N.Kali
Addl. Dist. Judge 2nd Court.

41
Orl.P.No. 6

9/15.2.91.

Accd. is produced from J.C. He is also represented of his ld. lawyer on record. State is represented by the Special P.P. in charge and his junior also. One P.W. is present today. The case is taken up for further hearing. P.W.5 Bhavash ~~Ex~~ Parekh is examined on behalf of the ~~prosa~~ prosecution at length. ~~2~~ He introduction the seizure list dated 6.3.90 and 5.3.90. The seizure list be marked S.T.O. representing. Signature of the witness be marked Exts. 9/1, 10/1 and 11/1 representing and one breaking ~~a~~ lock with screw be material Ext. IX collectively and one button be marked Mat. Ext. X and one chain be marked Mat. Ext. XI and one Inquest report is marked ext. U' for identification signature of the witness is marked Ext. 12/1 and also letter dated 6.3.90 be marked Ext. 3. He is cross examined on behalf of the accd. persons at length in full. The witness is discharged. No other witness is present today. Issue further (illegible -----) witness Fixed 19.2.91 for further evidence. Accd. be produced on defence Fixed at 10-30 a.m.

Sd/- R.N.Kali

Addl. Dist. & Sessions Judge
2nd Court, Alipore (s)

LATER

Order No.10
Dated : 15.2.91.

It is brought to my notice that two exhibits have been marked under the same number. It appears that the blue print of the sketchmap has been marked ext.3 and a letter-

Orl.P.No. 6 contd. & 7

and a letter addressed to O.C., Bhawanipore P.S. has also been marked ext.3. The mistake is required to be rectified. The blue print copy of the sketchmap be marked ext. 13 instead of Ext. 3. The letter addressed to O.C., Bhawanipore P.S., as marked ext.3 shall remain the same. Necessary correction be made accordingly.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

11/19.3.91.

Accd. is produced from J.C. He is also represented by his ld. lawyer on record. State is represented by the ld. Special P.P. in charge along with ld. junior. One P.W. is present today. The case is listed up for further hearing. P.W. 6 ~~Rajendra~~ Pratap Ch. Pati is examined on behalf of the prosecution at length the introduction at length six sheets ~~alongwith copies~~ his signature as marked Ext. 14 (collectively) signature of the witness is marked Ext. 14/1 (collectively). He is cross examined on behalf of the accd. persons at length in full. The witness is discharged. To date (20.2.91) for further evidence. Accd. must be present at 10-00 a.m. positively.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

63
Orl.P.No. 7

12/20.2.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is ~~xxx~~ represented by the ld. Spl. in P.P. in charge and his junior. The ~~xxx~~ case is listed up for further hearing. One P.W. is present today. P.W. 7 Dasasati Murmu is examined on behalf of the prosecution at length. He introduced one trauser and ghee colour sheet. The same ~~fit~~ be marked Mat. Ext. XII (collectively) The aforesaid material Ext. be returned to police and direction is given for their production on the subsequent dates of hearing. He is cross examined on behalf of the accd. persons at length in full. The witness is discharged. No other witness is present today. To dated (21.2.91) for further evidence. Accd. be present at 10-30 a.m. positively.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

13/21.2.91

Accd. is produced from J.C. He is presented by his ld. lawyer on record. State is represented by the ld. Special P.P. ~~xxx~~ in charge and his junior also. The case is taken up for further hearing. One P.W. is present today. P.W. 8 Ramadhar Yader is examined on behalf of the ~~prosecution~~ prosecution at length. At this stage is witness is ^{declared} declined (^{hostile} illegible) on the prayer of the prosecution and permission is given to the present and to cross examined the witness. He is cross examined on behalf of the prosecution. He is cross-examination on behalf of the accd. person at

Orl.P.No. 7 contd. & 8

at length in full. The witness is discharged. To date (22.2.91) for further evidence.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

P.W. is present on each day

14/22.2.91.

Accd. is produced from J.C. He is ^{re}represented by the ld. lawyer on record. State is represented by the ld. Special P.P. in charge and his Junior two p.w.s. are present today P.W.9 Rajaul Haque is examined on behalf of the prosecution. He is cross examined on behalf of the accd. persons. The witness is discharged. P.W. 10 Rajiv Buvaria is examined on behalf of the prosecution. He is introduced his signature and the Inquest Report and their ~~Seizure list~~ Seizure list as marked Ext. 9/2, 10/2 and 11/2 and Ext. 12/2 respectively. He is cross examined on behalf of the accd. persons. The witness is discharged. No other witness is present today. Fix 25.2.91 for further hearing of the same. Accd. be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

15/25.2.91.

Accd. is produced from J.C. He is represented by his ld. lawyers on record. State is represented by the ld. Spl. P.P. in charge and his Junior. Two P.Ws. are present today. P.W. 11 Gouranga ch. Raul is examined on behalf of the prosecution. He is cross

Orl.P.No. 8

He is cross examined on behalf of the accd. person. The witness is discharged. P.W.12 Sankar Roy is examined on behalf of the prosecution. He is cross examined on behalf of the accd. is declined. The witness is discharged. No other witness is present. today. To date (26.2.91) for further evidence.

Sd/- R.N.Kali
Addl. Dist. Judge
2nd Court, Alipore (s).

16/26.2.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge and his Junior. Two P.Ws. are present today. P.W.13 Mahendra Chauhatia is examined on behalf of the prosecution. He is cross-examined on behalf of the accd. person is declined. The case is discharged. P.W. 14 Harish Nakharia is examined on behalf of the prosecution. He is cross-examined on behalf of the accd. person is declined. The witness is discharged. Todate (27.2.91) for further evidence.

Sd/- R.N.Kali
Addl. Dist. Judge
2nd Court, Alipore (s)

17/ 27.2.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Special P.P. in charge and his junior. Two P.Ws. are present today. The case is taken up for further hearing.

Orl.P.No. 8 contd. & 9

Dasai

P.W. 15 Harish Jarai is examined on behalf of the prosecution. He is cross examined on behalf of the accd. is declined. The witness is discharged. P.W. 16 Panchanan Bhara is examined on behalf of the prosecution. He is cross examined on behalf of the accd. person. The witness is discharged. No other witness is present. today. Fixed 2.3.91 for further evidence.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

18/2.3.91.

Accd. is produced from J.C. He is represented by his ~~in~~ ~~id.~~ lawyer on record. State is represented by the Spl. P.P. in charge and his junior. Two P.Ws are present today. The case is taken up for further hearing. P.W. 17 Kirti Barishi is examined on behalf of the ~~prosecution~~ prosecution. He is cross examined on behalf of the accd. person. The witness is discharged. P.W. 18 Md. Fakhuriddin is declined on behalf of the prosecution. He ~~has~~ introduced the (illegible) as marked Ext. 15. He is cross examined on behalf of the accd. person. The witness is discharged. No other witness is present today. To 9.3.91 for further hearing of the same. Accd. must be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

Orl.P.No. 9

19/9.3.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Special P.P. in charge and his Junior also. The case is taken up for further hearing P.W. 19 Deb Dulal Mukherjee is examined on behalf of the prosecution. He ~~is~~ introduced the seizure list as marked 'V' for identification. Signature of the witness thereon is marked ext. 16/1 and signature of the witness on the table be marked Ext. VII and signature of the ^{two} ~~two~~ apparals be marked ext. XII/1 collectively, and one news ~~report~~-x paper be marked Mat. Ext. XIII. Signature of the witness is marked Ext. XIII/1. He is cross examined on behalf of the accd. person at length in full. The witness is discharged. At this stage ld. P.P. in charge files a petition is stating regarding the witness Nanda Gopal Deogharia who was scheduled today. But the witness is not ~~allowed~~-to attend to Courtx due to his illness as stated in the petition. Prosecution does not intend be examined him. And the petition be kept with the record. To date (11.3.92) for further hearing of the case. ~~and~~ Accd. must be present on the above dated fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

20/11.3.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge for his junior also. One P.W.

Orl.P.No. 9 contd. & 10.

One p.w. is present today. The case is list up for further hearing. P.W. 20 Dr. Dipankar ^{Guha Roy} Chaudhury is examined on behalf of the prosecution at length ~~in~~ are present. The introduction are ~~are~~ report as marked Ext. 17 and are Doctor's report as marked ext. 18. Noticed today. P.O. is enjoyed at length(?) 8, no.3(9)89 for delivery of Judgement. Adjd. To 12.3.91 for further examination in chief. P.W. 20 ~~Jr.~~ Dipankar Sarkar must be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

21/12.3.91.

Accd. is produced from J.C. He is presented by his ld. lawyer on record. State is represented by the ld. Spl. P.P. in charge. The Case is taken up for further hearing. P.W. 20 ~~Jr.~~ Dipankar ^{Guha} Sarkar Roy is further examined in chief. The introduction his report as marked Ext. 19 and further dt. 6.3.90 as marked Ext.20 and another better dt. 6.3.90 as marked Ext. 21 and medical examination report as marked ext.22. He is cross examined on behalf of the ~~accd.~~ accd. persons is present. No time today. To date (13.3.91) for further cross examination of P.W. P.W. 20 Jr. Dipankar Guha Roy. Accd. as before.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

49

Orl.P.No. 10

22/13.3.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld. Special P.P. in charge and his junior. The case is taken up for further hearing. P.W. 20 Jr. Dipankar Guha Roy is further cross examined at length in full. The witness is discharged. No another witness is present today. Fix 15.3.91 for further evidence. Accd. must be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. & Sessions Judge
2nd Court, Alipore (s)

23/15.3.91.

Accd. is ~~XXXXXX~~ produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld. Special P.P. in charge and his Junior also. The case is taken up for further hearing. To P.Ws. are present today. P.W. 21 Shyamal Karmakar is examined on behalf of the prosecution. He introduction below as marked Ext. 23 and Ext. 6 (collectively) and ext. 7 and Ext. 24/1 in voucher at marked ext. 25 and ext. 26 and signature of Ext. 14/2 (collectively) He is cross-examined on behalf of the accd. persons. The witness is discharged. P.W. 22 Jr. Baldev Singh sindhu is tendered for cross examination. He is cross examined on behalf of the accd. person is declined. The witness is discharged. No other witness is present today. T 23.3.91 for further evidence.

Sd/- R.N.Kali
Addl. Dist. Judge
2nd Court, Alipore (s)

Orl.P.No. 10 contd. & 11

24/23.3.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld. P.P. in charge. The case is ~~is~~ listed up for further hearing. Four P.Ws. are present today. P.W. 23 Arun Kr. Sarkar is examined on behalf of the prosecution. He is cross examined on behalf of the accd. person is declined. The witness is discharged. P.W. 24 Pranab Kr. Chatterjee is examined on behalf of the prosecution. He is (illegible) his signature as marked Ext. 16/2 and signature of the witness is as marked ext. XIII/2 and Mat. Ext. IV/2 and Mat. Ext. XII/2. He is cross examined on behalf of the accd. persons. The witness is discharged. P.W. 25 Anil Kr. is examined on behalf of the prosecution. He introduction the doctors as marked Ext. 27 and Ext. 28 and another (illegible) as marked Ext. 29. He is cross examined on behalf of the accd. persons. The witness is discharged. P.W. 26 Malay Mukherjee is examined on behalf of the prosecution. He is cross examined on behalf of the accd. persons of the witness is discharged. No other witness is present today. At this stage Ld. P.P. in charge ~~is~~ fails a further hearing for issuing the summons upon the cited witness Mr. P.Sinha as a witness Shri Scientific Officer, Rly. Division State Forensic Scientific Laboratory. Govt. of W.B. as stated ~~is~~ in the ~~is~~ petn. Issue the summons as per petns. as prayed for fix 1.4.91 for further hearing of the case.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

51

Orl.P.No. 11 contd. & 12

26/1.4.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Special P.P. in charge and his Junior. The case is listed up for further hearing. P.W. 27 Sri Partha Sinha is examined on behalf of the prosecution. He introduced the report dt. 17.9.90 as marked ext. 30 and another report dt. 5.10.90 as marked ext. 31 and fine Ballam as marked Mat. Ext. XIV (collectively) there is cross examined as behalf of the accd. (illegible) The witness is discharged. To date (2.4.91) for further evidence.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

27/2.4.91.

Accd. is produced from J.C. He is represented by his Ld. lawyer on record. State is represented by the Spl. P.P. in charge and his Junior also. The case is taken up for further hearing. P.W. 28 Gurupada ^{son} Sen is examined on behalf of the prosecution in art the introduction the G.D. as marked Ext. 32 and Ext Complt. is marked Ext. 2 (to be continued) No time today. P.W. is in charge of the Ld. Dist. & Sessions Judge, Alipore Adjd. To 3.4.91 for further evidence of P.W.28.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

Orl.P.No. 12

28/3.4.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Ld. Special P.P. in charge and his Junior is also. The case is taken up for further hearing. P.W. 28 Gurupada ^{Sen} is further in chief resumed at length in full. ~~His~~ cross examined deferred to morrow (4.4.91) for his cross examination.

Sd/- R.N.Kali
Addl. Dist. Judge
2nd Court, Alipore (s)

29/ 4.4.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld. Spl. P.P. in charge and his Junior is also. P.W. 28 Gurupada ^{Sen} is also present today. Ld. Spl. P.P. being a petn. a prayer for a adjd. of further hearing of the case of 9 (illegible) as stated in the petition. Hd. Prayer is considered and -----
To 13.4.91 for further hearing of the case. P.W. 28 must be present on the above date fixed.

Sd/- R.N.Kali
Addl. Dist. Judge
2nd Court, Alipore (s)

Orl.P.No. 12 contd. & 13

30/13.4.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld. S.P. P.P. in charge, and his junior. The case is taken up for further hearing. P.W. 28 Gurupada ^{Som} Sen is further cross examined in full at length. The witness is discharged. Fix. 16.4.91 for further evidence. Accd. be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

31./ 16.4.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld. Spl. P.P. in charge and his junior. The case is taken up for further hearing. P.W. 29 Salil Basu Chowdhury is examined on behalf of the prosecution. He introduced the statement is marked Ext. 3/4x on seizure list is marked Ext. 16. All the stage of ld. P.P. in charge. files a petn. praying for adjdct. as stated in the petn. Hd. Prayer is considered and allowed. Fix 20.4.91 for further hearing of the case. P.W. 29 Salil Basu Chowdhury must be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

32/ 20.4.91.

Accd. is produced from J.C. He is represented by the ld. lawyer on record. State is represented by the ld. Spl. P.P. in charge and his junior also. The case is taken up for further hearing. P.W. 29

Orl.P.No. 13

P.W. 29 Salil Basu Chowdhury is further examined in chief in full. He proves docks as marked ext. 5 & 24 and Ext. 35 (collectively) and Ext. 36 (collectively) At this stage ld. lawyer for the accd. files a petn. proving for tried to cross examined the below as stated in the petn. Hd. Prayer is considered and allowed. Fix 24.4.91 for cross-examination of the P.W. 29 Salil Basu Chowdhury.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

33/24.4.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Junior P.P. in charge. Ld. lawyer for the accd. files a petn. praying for a adjud. of further hearing of the case on the grounds of that ld. lawyer is feeling unwell as stated in the petn. Hd. Prayer is considered and allowed. Fix 2.5.91 for hearing cross examination of the P.W. 29 Salil Basu Chowdhury.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

34/ 2.5.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge and his junior. The case is taken up for further hearing. P.W. 29 Salil Basu Chowdhury is cross examined at length in full. Prosecution case is closed. Fix 14.5.91

55
Orl.P.No. 13 contd. & 14

for examination of the accd. person u/s 313 Cr.P.C.
Accd. be present on the date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

Order No. 35
dated : 14.5.91.

Accused is produced from J.C. Ld. lawyer for the
accused is present in court. Accused is examined in
part under Section 313 of the Cr.P.C. Questions recorded
in English in the examination sheets are translated into
Bengali and put to the accused in such a manner so
that he understands the contents thereof. Replies given
by the accused to each of the questions so put to him
are recorded verbatim in Bengali. Replies of questions
1 to 14 are recorded in the manner as stated above.

To 15.5.91 for further examination of the
accused under Section 313 of the Cr.P.C.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

Order No. 36
dated 15.5.91.

Accused is produced from J.C. Ld. lawyer for
the accused is present in court. Accused is examined
further under Section 313 of the Cr.P.C. Questions
recorded in English in the examination sheets are

Orl.P.No. 14

sheets are translated into Bengali and put to the accused in such a manner so that he understands the contents thereof. Replies given by the accused to each of the questions so put to him are recorded verbatim in Bengali. Replies of questions 15 to 44 are recorded in the manner as stated above.

To 16.5.91 for further examination of the accused under Section 313 of the Cr.P.C.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

Order No. 37
dated 16.5.91.

Accused is produced from J.C. Ld. lawyer for the accused is present in court. Accused is examined further under Section 313 of the Cr.P.C. Questions recorded in English in the examination sheets are translated into Bengali and put to the accused in such a manner so that he understands the contents thereof. Replies given by the accused to each of the questions so put to him are recorded verbatim in Bengali. Replies of questions 45 to 69 are recorded in the manner as stated above.

To 17.5.91 for further examination of the accd. under section 313 of the Cr.P.C.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Orl.P.No. 14

Order No. 33
dt. 17.5.91.

Accused is produced from J.C. ld. lawyer for the accused is present in court. Accused is examined further under section 313 of the Cr.P.C. Questions recorded in English in the examination sheets are translated into Bengali and put to the accused in such a manner so that he understands the contents thereof. Replies given by the accused to each of the questions so put to him are recorded verbatim in Bengali. Replies of questions 70 to 84 are recorded in the manner as stated above.

To 18.5.91 for further examination of the accd.

Sd/- R.N.Kali

Addl. Dist. Judge,
2nd Court, Alipore.

Dictated and corrected by me.

Sd/- R.N.Kali

A.D.J.

Order No. 39.
dt. 18.5.91.

Accused is produced from J.C. Ld. lawyer for the accused present in court. Ld. P.P. in charge is not present in court, his junior is also present. Accused is examined further under section 313 of the Cr.P.C. Questions are recorded in English in the examination sheets are translated into Bengali and put to the accused in such a manner so that he understands the contents thereof. Replies giving the accused to each of the questions to him are recorded verbatim in Bengali. Replies of questions 85 to 109 are recorded in the manner as stated above.

To 21.5.91 for further examination of the accused.

Orl.P.No. 14 contd. & 15

Sd/- R.N.Kali

Addl. Sessions Judge,
2nd Court, Alipore.

Dictated and corrected by me.

Sd/- R.N.Kali

A.S.J.

Present : Sri R.N.Mallick Chowdhury (J.C. 6 at ADJ.)

40/ 21.5.91.

Accd. is produced from J.C. Id. lawyer 8 for the accd. present in Court. Id. P.P. in charge is present in Court and his junior is also present. P.O. is non hearing. Id. P.P. in charge files a petn. praying for fixing a date for examination of the accd. u/s 313 Cr.P.C. of the 23.5.91 (illegible) Id.P.P. would be out of station on that day as stated in the petn. Fix 24.5.91 for further examination of the accd. u/s. 313 Cr.P.C.

Sd -R.N.Mallick Chowdhury

Addl. Dist. Judge
2nd Court, Alipore (s)

41/ 24.5.91.

Accd. is produced from J.C. None of the office staff of this Court on absent today due to funeral ceremony of Mr. Rajiv Gandhi on 24.5.91 fix. 25.5.91 for further examination of the accd. u/s 313 Cr.P.C.

Sd/- R.N.Kali
Addl. Dist. Judge

2nd Court, Alipore (s)

Orl.P.No. 15

42/25.5.91.

Accd. is produced from J.C. ld. lawyer for the
 accd. present in Court. Ld. P.P. in charge is present
 in Court his Junior is also not present in Court.
 Accd. is examined further sub section 313 of the Cr.P.C.
 Question on recorded in English in the examination
 Sheets on translated into Bengali and put to the accd.
 in such manner. So that he understands the contents
 thereof. Replies giving the accd. to each of the
 questions ^{so} ~~is~~ put to him ^{are} ~~are~~ recorded ~~xxx~~ verbatim in
 Bengali. Replies of questions 110 to 127 are recorded
 in the manner as stated above.

To 27.5.91 for further examination of the accd.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

43/27.5.91.

Accd. is produced from J.C. Ld. lawyer for the
 accd. is not present today. State is not represented
 by the ld. Spl. P.P. in charge and his junior. And
 is further examined u/s 313 of the Cr.P.C. Questions are
 recorded in English in the examination sheets are
 translated into Bengali and put to the accd. in such
 a manner. So that he understands the contents thereof.
 Replies giving the accd. to each of the questions to
 put him are recorded verbatim in Bengali. Replies of
 questions 128 to 135 are recorded in the manner as
 stated above. Fix 28.5.91 for further examination of
 the accd. u/s 313 Cr.P.C.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

Orl.P.No. 15 contd. & 16

44/28.5.91.

Accd. is produced from J.C. He is also represented by his ld. lawyer on record. State is represented by the ld. Spl. P.P. in charge and his Junior as also present in Court. Accd. is further examination u/s 313 of the Cr.P.C. Question are recorded in English in the examinations sheets are translated into Bengali and put to the accd. in such a manner. So that he understands the contents thereof. Replies going the accd. to each of the questions to put him are recorded verbatim in Bengali replies of questions 129 to 163 are recorded in the manner as stated above. Fix 29.5.91 for further examination of the accd. u/s 313 Cr.P.C.

1/- R.N.Kali
Addl. Dist. Judge
2nd Court, Alipore (s)

45/ 29.5.91.

Accd. is produced from J.C. Ld. lawyer for the accd. person ~~present~~ present in Court. Ld. P.P. in charge is also present in Court and his Junior. Accd. is examined further examination u/s 313 Cr.P.C. Questions are recorded in English ~~in~~ in the examinations sheets are transtated into Bengali and put to the accd. in such a manner so that he understand the contents thereof. Replies giving the accd. to each of the questions to put to him are recorded verbatim in Bengali. Replies of questions 164 to 202 are recorded in the manner as stated above. Examigation of the accd. u/s 313 Cr.P.C. is closed on the prayer of the ld. P.P. in charge. Fix. 20.6.91 for hearing (illegible). Accd. be present on

Orl.P.No. 16 contd. & 17

on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

46/ 20.6.91.

Accd. is produced from J.C. He is also represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge and his Junior. The case is taken up for arguments. Hd. Considers at length in part for the side of the prosecution. At this stage ld. lawyer for the accd. persons files a petn. prays for statement and Judgement of felled arguments on the grounds that the accd. is unable to attend court ~~xxx~~ to morrow due his high favour as stated in the petn. Hd. Prayer is considered and allowed. Fix 24.6.91 for further arguments. Accd. be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

47/ 24.6.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the ld.Spl.P.P. in charge and his Junior. The case is taken up for further hearing. Hd. argument at length in part. for the side of the ld. P.P. in charge. Adjd. to 26.6.91 for further hearing and (illegible) for the ^{Spl} side of the prosecution. Accd. be present be ~~the~~ in the above dated fixed.

Sd/- R.N.Kali

Addl. Dist. Judge. 2nd Court.

62
Orl.P.No. 17

48/ 26.6.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge and his Junior. The case is taken up for further arguments. Hd. arguments at length in full for the side of the prosecution. At this stage ld. lawyer for the accd. falls on petn. fixing for a adjd. of further arguments on the grounds of that ld. lawyer Mr. Biswas for his present ground as stated in the petn. Hd. Prayer is allowed. Fix 11.7.91 for further agents for the side of the accd. person.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

49/11.7.91.

Accd. is produced from J.C. He is represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge and his Junior. The case is listed up for further argument Hd. arguments at length in part and the side of the ld. lawyer for the accd. No time today. Adjd. to 15.7.91 for further arguments for the side of the accd. persons. Accd. be present on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

50/15.7.91.

Accd. is produced from J.C. He is also represented by his ld. lawyer on record. State is represented by the Spl. P.P. in charge of this junior also. The case is

Orl.P.No. 17 contd. & 18

The case is listed up for further arguments. Hd. arguments at length in part for the side of the ld. lawyer for the accd. No time today. Adj. to 17.7.91 for further arguments for the side of the accd.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

51/ 17.7.91.

Accd. is produced from J.C. He is also represented by his ld. lawyer on record. State is represented of the Spl. P.P. in charge and his Junior also. The case is taken up for further arguments. Hd. arguments at length in full and the side of the ld. lawyer for the accd. To 19.7.91 for reply for the side of the ld. P.P. in charge.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

52/ 19.7.91.

Accd. is produced from J.C. He is also represented by his ld. lawyer on record. State is represented by the ld. Spl. P.P. in charge and his junior also. The case is taken up for further arguments. Hd. arguments for both the ^{Sides} sides at length in full with reply. Fix 9.8.91 for delivery of Judgement. ~~xxxx~~ Accd. be presented on the above date fixed.

Sd/- R.N.Kali

Addl. Dist. Judge
2nd Court, Alipore (s)

Orl.P.No. 18

53/ 9.8.91.

Accused is produced from J.C. Judgement delivered in open Court. Accused is found guilty for committing offences under Section 302, Section 376 and Section 380 of the I.P.C. and he is convicted thereunder. Judgement is 59 typed pages are kept separately.

Dictated & corrected by me

Sd/- R.N.Kali
A.S.J.

Sd/- R.N.Kali
Additional Sessions Judge
2nd Court, Alipore.

Later

Convict is already in jail custody. He be sent back to jail for having reflection to enable him to make a submission on the point of sentence. He be produced for hearing on the point of sentence on 12.8.91.

Sd/- R.N.Kali
Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali
A.S.J.

Order No. 54
dated 12.8.91.

Convict is produced from jail custody in pursuance of my order dated 9.8.91. He is informed that he had been sent back to jail on 9.8.91 after he was found guilty for committing offences under section 302, Section 376 and Section 380 of the Indian Penal Code and was given time for reflection and deliberation over the sentence he would have to receive for committing such offences. He is now asked to make his submission

Orl.P.No. 18

his submission and plea on the point of sentence. Heard the submission of the convict and the same is noted in the body of the judgement.

Heard the ld. Special P.P. on the point of sentence. He submits that the instant case comes within the purview of the rule of the rarest of rare cases and, as such, capital punishment would be just and proper punishment for the offence committed u/s 302 I.P.C. in this case. Ld. defence lawyer submits that the instant case does not come within the purview of the rule of the rarest of rare cases and he has cited a decision reported in A.I.R. 1989 Supreme Court at page 1456.

Put up the record for recording sentence at 3 P.M.

Dictated & corrected by me

Sd/- R.N.Kali

A.S.J.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

LATER AT 3 P.M.

Convict is produced as per previous order.

Convict be sentenced to be hanged by neck till death for the conviction recorded against him under section 302 of the Indian Penal Code. He is also sentenced to imprisonment for life for his conviction under Section 376 of the I.P.C. He is further sentenced to undergo Rigorous Imprisonment for 5 years for his conviction under section 380 of the I.P.C. The sentence recorded for the conviction under Section 302 of the I.P.C. is subject to confirmation by the Hon'ble High Court. This sentence shall not be executed unless it is confirmed by the Hon'ble High Court. The other two

Orl.P.No. 18 contd. & 19

two sentences shall however run concurrently and they would cease to have any effect in case the sentence for the conviction under Section 302 of the I.P.C. is confirmed by the Hon'ble High Court and executed. Under the provisions of Section 366 of the Cr.P.C., the entire proceedings be submitted to the Hon'ble High Court on a reference for the confirmation of the Sentence of Death.

Sd/- R.N.Kali

Additional Sessions Judge
2nd Court, Alipore.

Dictated & corrected by me

Sd/- R.N.Kali
A.S.J.