

10 20.11.2024

Pursuant to order dated 14.11.2024,
I visited the spot at 3.15 p.m. to 6.20 p.m.
on 19.11.2024 and today the spot visit
report is prepared in my office.

.....Sd/-.....

Commission of Inquiry

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11	26.11.2024	Mr. Mohit Mohanty, learned counsel has entered appearance for Miss 'X' and Mr 'Y' and filed a petition to prepone the enquiry to today from dt.30.11.2024 on the ground stated therein. Mr Sandeep Raj Panda learned advocate and Mr. Raj Kumar Rout, learned advocate have entered appearance for police personnel. Two petitions on their behalf are also filed to pre-pone the case today. 2. Mr Basant Kumar Jena, Advocate has appeared for all the seven persons (alleged road razors) and filed a joint vakalatnama executed by all the seven persons. The vakalatnama filed by Mr. Jena be taken on record. The petitions filed today by learned advocates to pre-pone the case is numbered as Misc. Petition Nos. 1 of 2024, 2 of 2024 and 3 of 2024. 3. Having heard the learned Counsels for the parties, both the petitions are allowed and the inquiry is taken up today. Today, Mr. Panda and Mr. Rout learned advocates have filed the responses of all the seven police personnel. The same be taken on record.	

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	26.11.2024 Contd.....	4. Mr. Mohanty, learned Counsel appearing for Miss 'X' and Mr. 'Y' prays for two days time to file the response. Taking into consideration his prayer, he is directed to file the response by 29.11.2024 after serving copy thereof on Mr. Panda and Mr. Rout. On filing of response by Mr. Mohanty, Mr. Gurujit Mishra, the Asst. Secretary-cum-Court Officer is requested to serve copy of responses of Police personnel on Mr. Mohanty during office hour of 29.11.2024 itself. 5. On thorough discussion with the learned Counsels present, it is decided that Miss 'X' shall be cross examined at first to give a fair chance to defence followed by cross examination of Mr. 'Y' and other witnesses thought proper whose affidavits have been served on the police personnel. List this matter on 06.12.2024 at 2 p.m. for preliminary hearing in presence of Mr. Yasobant Das, learned Senior Advocate and Mr. Soura Chandra Mohapatra, learned Senior Advocate appearing for the parties. Mr. Jena, learned Advocate is also requested.	

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	Contd... 26.11.2024	to be present on that date. 6. It is unanimously agreed that the victim Miss 'X' and his boy friend Mr. 'Y' should be cross examined at first and other witnesses who are deemed to be cross examined should be followed after their cross examination on day to day basis. It is made clear that after hearing the learned Senior Counsels appearing for the parties at 2 p.m. on 06.12.2024, if the Commission feels to pass any preliminary order, the cross examination of Miss 'X' and Mr.'Y' may, perhaps, be deferred if the Commission finds fair and appropriate to give an order on the preliminary objection. Otherwise, the cross examination of witnesses shall commence on 08.12.2024 at 11 a.m. and the following set of procedures are to be followed through out the proceeding: - (i) The proceedings of the Commission shall be normally in public but the cross examination of victim, Miss 'X' shall be in Camera proceeding. Cross examination of	

	any other witnesses, if in the opinion of the Commission on hearing of the petition filed either of the parties may be found scandalous or injurious to public feeling, such cross examination during proceedings may be taken up in Camera. (ii) The Commission in course of inquiry may summon any other person, authority, who have not even filed affidavit for just and fair determination of fact in issue and relevant facts, suo motu or on petition(s) filed by the parties; (iii) The State Government and other persons referred to in Section 8(B) of the Commission of Inquiry Act (in short ‘the Act’) and with the permission of the Commission, any other person whose evidence is recorded under Rule 4 & 10 of Order 18 CPC may cross examine the witnesses other than the witnesses produced by the parties. The party/parties may address the Commission himself/herself/themselves or may be represented before the Commission by legal practitioner;	
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	Contd.. 26.11.2026	(iv) The State Government or any other person furnishing list of witnesses for examination by the Commission shall indicate against the name of each witness, the fact for which his evidence is necessary and relevant. The Commission may refuse to summon any witness whose evidence it thinks unnecessary or irrelevant or who, in its opinion, has been cited for the purpose of vexations or delay; (v) The Commission, if it is deemed necessary, just and fair, may again make local inspection either personally or through any person duly authorised by it on any matter falling within the terms of reference even in course of the proceedings; (vi) The Commission, in its discretion, in order to save time may refuse to summon any person for giving evidence and instead allow such person to give evidence by affidavit through interrogatories delivered to him;	

		(vii) The cross examination of the witnesses shall proceed on day to day basis till conclusion of cross examination by the parties; (viii) After conclusion of cross examination of witnesses and examination of witnesses summoned on behalf of any of the parties or suo motu by the Commission, oral argument on behalf of the parties shall be heard. The parties or the Counsels engaged by them are requested to file written note of submissions with their suggestions on reference no. (iv): (ix) The CID (CB) is directed to file true copies of the FIR, relevant reports, inventories, seizures, pen drives, electronic evidences with proper certifications under Sec. 63 of Bharatiya Sakshya Adhiniyam, 2023 in respect of C.I.D. (C.B) Case nos. 10,11 and 12 of 2024. (x) The statement made by any person/persons to the Commission shall be subject to protection under Section 6 of the Act.	
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		(xi) The Commission reserves the right to regulate any other procedure in respect of any matter which may arise from time to time for which no provision is made under Commission of Inquiry (Central) Rules 1972 as amended from time to time; (xii) The Commission requests all the parties to cooperate for timely conclusion of the inquiry culminating in submission of report, as the tenure of the Commission is time bound. Sd/ Commission of Inquiry	
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