

Sessions Case No. 38 of 2013

CIS no. 06/2016

CNR No. WBBB090000242016

Order no. 124

Dated : 06/09/2025

Today is fixed for cross-examination of PW 24.

Both accused persons namely Biswjit Garain and Sukumar Ghosh are present by filing late hazira.

Ld. Defense counsel files a petition for expunging the examination in chief of PW 24 on recall on the ground stated therein.

Ld. Advocate for the accused submits that the CDR of the mobile phone no. 9933531205 which was exhibited on 06.07.2009 to 07.07.2009. The examination in chief was not part of order dated 21.05.2025 and prays for expunge of the same.

Ld. Defense counsel submits that the exhibit of a document in the chief cannot take away the opportunity of the defense counsel to cross-examine the same. Defense has already put his objection and pray for rejection.

Heard. Both sides. Considered.

On perusal of the case record it appears that today is fixed for cross-examination of PW24. The Defense counsel has not filed any petition nor seek any adjournment at the time of examination in chief of PW 24 on recall regarding the exhibit of the CDR of mobile phone no. 9933531205 rather it was marked as exhibit 18 with objection. This court finds that the instant petition filed by the defense counsel is only to delay the trial of the case pending since 2013. Moreover, the defense counsel has put his objection and will be given ample opportunity to cross-examination of PW24.

Accordingly, petition filed by the defense counsel is devoid of merit and rejected.

Ld. Defense counsel is requested to complete the cross examine the PW 24. The witness Kartick Mohan Ghosh PW24 is cross-examined at length and discharged.

The evidence of the prosecution stand closed.

Fix 08.09.2025 for examination of the accused from u/s 313 Cr.P.C.

Accused are as before.

D & C by me

Addl. Dist. & Sess. Judge
Fast Track Court
Dubrajpur Birbhum

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