

In the Court of the Special Judge-cum-Addl. Sessions Judge, Kalna, Purba
Bardhaman

Pre : Srimayi Kundu,
Special Judge-cum-Addl. Sessions Judge, Kalna.
(**JO Code-WB00655**)

Ref : Sessions (Special) Case No. 09 of 2024 (S.T. 28(04) of 2024)

(State Vs. Accused Sanjoy Bose, arising out of Nadanghat P.S. Case No. 164 of 2024 dated 16.03.2024 u/s. 8 of Protection of Children from Sexual Offences Act,2012)

Order No. 04 dated 12.06.2024

Accused Sanjoy Bose on Court bail is present and hazira is filed on his behalf.

One application is submitted on behalf of the accused seeking confirmation of the interim bail, the application is verified by the accused himself.

Another application is filed on behalf of the accused u/s. 231(2) of Cr.P.C. with pleading that cross examination of C.S.W-1, C.S.W.-3 and C.S.W-6 are to be done simultaneously as they are near relatives. Copy served.

Ld. Spl PP in charge and Ld. Defence Counsel are present.

The application u/s. 231(2) of the Cr.P.C. is taken up for hearing. It is submitted on behalf of the accused that C.S.W-1 and C.S.W-3 are the parents of the victim girl and C.S.W-6 is the paternal grandfather of the victim girl and for this reason only the cross examination of these witnesses had to be done simultaneously.

Ld. Spl PP in charge raises objection.

Perused the materials on record. As per C.D, C.S.W.-1 is complainant and father of the V.G., C.S.W.-3 is the mother of the victim girl and C.S.W-6 is the paternal grandfather of the V.G. From the charge sheet it appears that the address of these three witnesses are the same. However, Ld. Defence Counsel failed to satisfy this Court as to why cross examination of C.S.W.-6, i.e., paternal grandfather of the victim girl, had to be done simultaneously with cross examination of C.S.W.1 and 3.

It can be accepted that C.S.W.1 and 3 being the parents of the victim girl and there is every possibility of discussion about the subject matter of the cross examination and for this reason the prayer of the accused person in respect of C.S.W.-1 and 3 is justified.

Accordingly, it is,

ORDERED

that the prayer of the accused person u/s. 231(2) of Cr.P.C. is allowed in part, prayer in respect of C.S.W.-1 and 3 is allowed and prayer in respect of

Order No. 04 dated 12.06.2024/ Contd.....

C.S.W.-6 is rejected.

Ld. Spl PP in charge is present along with C.S.W-1, the complainant, namely, Pranab Munshi and he is examined as P.W.-2, written complaint is marked as Exbt.-3, his signature on seizure list is marked as Exbt.-4(a), the signature of the witness on Zimmanama is marked as Exbt.-5(a), xerox copy of birth certificate is marked as Exbt.-6 and cross examination of this witness is deferred as per prayer of accused u/s. 231(2) of Cr.P.C. which is allowed by this Court today.

Fix **05.09.2024** for evidence of C.S.W-3.

The interim bail order of the accused is extended till 05.09.2024.

Dict. & corr.)
Sd/- Srimayi Kundu
Spl Judge(Pocso Act),Kalna

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