

S.T. 170(U) of 2017

Order No. 8 dated 03.09.2018

The sole accused person on Court bail is present by filing hazira.

Ld. Advocates of both sides are present.

C.S.W. 1, Srimanta Sit is present and examined-in-chief as P.W. 1 and the same is concluded.

Documents are marked as Exbt. 1 and Exbt. 2.

At this stage, the Ld. Defence Lawyer files a petition under section 231(2) Cr.P.C. praying for deferring the cross-examination of P.W. 1 after recording of the examination-in-chief of C.S.W. 3.

No objection raised by the prosecution.

Perused the petition. Heard both sides. Considered.

The Ld. Defence Lawyer has stated that the said witnesses are family members and reside in the same bastu. As such, the Ld. Defence Lawyer has prayed, that if the said witnesses are not cross-examined at a time, the defence will be severely prejudiced.

Therefore, after careful consideration of all the factors, I am of the opinion, that the prayer of the Defence should be allowed. The cross-examination of P.W. 1 is deferred. The Defence is permitted to cross-examine P.W. 1 and C.S.W. 3 after the completion of the recording of the examination-in-chief of C.S.W. 3.

The petition of the Defence under section 231(2) Cr.P.C. is allowed and accordingly disposed of. P.W. 1 is released.

Ld. A.P.P. files a petition praying for a date for examination-in-chief of C.S.W. 3.

Heard. Considered. The petition is allowed.

Fix 04.12.2018 for examination-in-chief of C.S.W. 3.

Issue summons upon the charge sheet witness at once. Prosecution to put in requisites.

Accused as before.

Dictated & corrected by me

A.S.J.

Additional Sessions Judge,
Amta, Howrah