

Sessions Case no. 14 of 2025
CNR-WBCS01-000180-2025
Present: Sri Sudipta Kumar De
J.O. CODE NO.WB01136
Chief Judge,
City Sessions Court, Calcutta

Order no. 26 dated 29.06.2026

Today is fixed for production of accused person and further examination of PW-7.

Accused person Md. Sarfaraz @ Gajni is produced from J/C in virtual mode.

Ld. Public Prosecutor for the State is present.

Ld. Advocate for the accused is present today.

PW-7 Sumit Roy is present before this Court.

Now, the record is taken up for recording evidence.

PW-7 is examined in chief by the Ld. Public Prosecutor in full.

Ld. Legal Aid Defence Counsel representing the accused filed a petition 231(2) of the Cr.P.C. (corresponding to Section 254(3) of the BNSS) praying for deferring the cross examination of PW-7 till the completion of examination of CSW-12 and one witness, namely, Dr. Chitrakshya Sarkar since they have participated in the process of gait pattern along with PW-7 and if the cross examination of PW-7 would be concluded prior to their examination, the prosecution would have an opportunity to rectify the deficiencies that have come to light during the cross-examination of PW-7 and accused will suffer irreparable loss and injury.

He further prayed for supply of copies of CCTV footage, coloured photographs, screen shot of CCTV footage and FSL Report of Gait Pattern examination.

Ld. Public Prosecutor raised no objection.

Heard both sides.

Perused the case record. Considered.

Section 231(2) of the Cr.P.C. provides as follows:

"The Judge may, in his discretion, permit the cross examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.

This provision grants the Court the discretionary power to regulate the order in which evidence is led and, specifically, to defer the cross-examination of a witness when the interests of justice so require. The primary objective is to ensure that the trial is conducted fairly and that neither party gains an undue advantage.

It appears that PW-7 and CSW-12, both participated in the process of GAIT Pattern and there is every possibility that defence case would get disclosed if cross examination of PW-7 and CSW-12 are not done together.

It further appears that neither Dr. Chitrakshya Sarkar is an charge sheeted witness nor any application has been made by the prosecution to call him as a witness in this case and hence, there is no ground to defer the cross examination of PW-7 till his examination.

Considering all of these, the petition 231(2) of the Cr.P.C. (corresponding to Section 254(3) of the BNSS) filed by the accused is allowed.

Accordingly, Ld. Counsel for the accused is permitted to cross examine PW-7 till the conclusion of examination in chief of CSW-12.

Hence, the cross examination of PW-7 stands deferred u/s 231(2) of the Cr.P.C. (corresponding to Section 254(3) of the BNSS).

During the course of examination, the Certificate u/s 63(4)(c) of the BSA dated 22.01.2025 is marked as Exhibit P-17/PW-7 (Objected too).

As per Gazette Notification dated 15.07.2022, the certified true copy of the deposition of PW-7 dated 29.06.2026 is handed over to all sides after obtaining endorsement in the relevant register.

Ld. Public Prosecutor has prayed for issuance summons upon CSW-12 for recording evidence.

Issue summons accordingly.

Put requisites at once.

Prosecution is directed to supply the copies upon the accused person as prayed for.

Fix **10.07.2026** for production of accused person and examination of CSW-12.

Accused be remanded to J/C till 10.07.2026.

Dictated & corrected by me,

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.