

**Sessions Case no. 15 of 2020**  
**CNR-WBCS01-000301-2020**  
**Present: Sri Sukumar Ray**  
**J.O. CODE NO.WB00590**  
**Chief Judge,**  
**City Sessions Court, Calcutta**

**Order no. 125 dated 07.01.2026**

1. Today is slated for production and appearance of the accused persons and further examination of PW-6 Dalim Sonar and hearing of the petition dated 27.11.2025 filed on behalf of the prosecution praying for cancellation of bail of the accused persons, namely, Mosibur Rahaman and Ruhul Amin.
2. Accused person Jahidul Islam @ Kausar @ Boma Mijam is produced before this court from the J/C.
3. Rest accused persons Monirul Islam, Ruhul Amin and Mosibur Rahaman are present before this court by filing hazira.
4. Ld. Public Prosecutor for the State and Ld. Advocate for the accused are present today.
5. PW-6 Dalim Sonar is present before this Court.
6. Now, the record is taken up for recording evidence.
7. PW-6 is examined in chief by the Ld. Public Prosecutor in full.
8. During the course of evidence, signatures of PW-6 on the seizure list dated 26.02.2019 are marked as Exhibit P-2/2/PW-6 collectively.
9. At this juncture, Ld. Advocate for the accused has filed a petition u/s 231(2) of the Code of Criminal Procedure Code praying for deferring the cross examination of PW-6 until the completion of examination in chief of CSW-5 Parimal Mahato.
10. Ld. Advocate for the accused submits that he intends to defer the cross examination of PW-6, seizure witness, until the completion of examination in chief of CSW-5, who is another seizure witness and if his application is not allowed, the prosecution would have an opportunity to rectify the deficiencies that have come into light during the cross-examination of PW-6 and accused will suffer irreparable loss and injury.
11. Ld. Special Public Prosecutor raises no objection.
12. Heard both sides at length.
13. Perused the case record. Considered.
14. 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.*
15. 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.
16. It appears that PW-6 is a seizure witness who is examined in chief in full today and CSW-5 is also a seizure witness.

17. In this circumstances, there is every possibility that defence case would get disclosed if cross examination of PW-6 and CSW-5 are not done together.
18. Considering the facts and circumstances, the petition u/s 231(2) of the Cr.P.C. filed by the accused is allowed.
19. Accordingly, the cross-examination of PW-6 stands deferred till the completion of examination in chief of CSW-5.
20. As per Gazette Notification dated 15.07.2022, the certified true copies of the deposition of PW-6 dated 07.01.2026 is handed over to all sides after obtaining endorsement in the relevant register.
21. At this stage, Ld. Advocate for the accused Jahidul Islam @ Kausar @ Boma Mijam has filed a petition praying for pleading guilty of the offence.
22. Copy served as per the endorsement. Let it be kept with the record.
23. The hearing of the petition dated 27.11.2025 filed on behalf of the prosecution praying for cancellation of bail of the accused persons, namely, Mosibur Rahaman and Ruhul Amin stands deferred due to paucity of time.
24. Ld. Public Prosecutor has prayed for issuance of summons upon CSW-5 for recording evidence.
25. Issue summons accordingly.
26. Put requisites at once.
27. Fix **04.02.2026** for production & appearance of the accused persons, examination of CSW-5, hearing of the petition dated 27.11.2025 filed on behalf of the prosecution praying for cancellation of bail of the accused persons, namely, Mosibur Rahaman and Ruhul Amin and hearing of petition filed by the Jahidul Islam @ Kausar @ Boma Mijam praying for pleading guilty of the offence.
28. The accused Jahidul Islam @ Kausar @ Boma Mijam be remanded to J/C till 04.02.2026.
29. Accused persons, on bail, are as before.

Dictated & corrected by me,

Chief Judge  
City Sessions Court, Calcutta.

Chief Judge  
City Sessions Court, Calcutta.