

Order No 72

Date 07.11.2017

Today is fixed for further evidence and appearance , production of the accused person from J/C .

Accused person namely Mukesh Thakur is produced from J/C and placed on dock.

Accused persons namely Md Afroz and Shyamalal Sah on interim bail are present .

Ld counsel for accused persons and Ld PP are present . Witness is absent.

Thereafter witness namely Sekhar Sonkar is examined in chief in full as Pw 11.

Signatures of Pw 11 on the seizure list dated 11.02.2012 is marked as

ext 4/1. Witness identified his signatures of Pw 11 on the label pasted on envelopes marked as material exts X/1 and XI/1. Cotton Soaked with blood are marked as material exts X and XI.

At this stage Ld counsel for accused files a petition U/S 231 (2) Cr PC stating inter alia that they want to cross examine Pw 11 after the completion of examination in chief of CSW 10 namely Kailash Shaw as because both the witnesses are almost lay on the same footings , so at this stage , if the cross examination of Pw 11 is done by the accused person, there is every possibility of the disclosure of the cross examination to the prosecution to the aforesaid witnesses who are yet to be examined by the prosecution . Ld. PP raised objection. Heard both sides. Perused the petition and the statements recording U/S 161 Cr PC. Considered. Having heard both sides, I am of the opinion keeping their respective submissions that the instant petition U/S 231 Cr. PC should be allowed . Prayer of accused is allowed.

Cross examination of Pw 11 is deferred on the prayer of Ld defence counsel U/S 231 Cr PC. No more witness is present, so the case is adjourned.

Interim bail is extended till next date.

Fix 16.12.2017 for further evidence and appearance, production of the accused persons. Accused as before .

Let the alamsats which are marked as material exts be handed over to the police personnel who produced the same as there is no malkhana in the City Sessions Court , Calcutta.

D & C by me