

S.T. NO.04(08)/2016

SESSIONS CASE NO. 22 OF 2016

Order no. 65 dated 11.02.2020

Today is fixed for production of the accused persons, further examination of P.W.-06 and other witnesses.

The accused persons namely (1) Akhtar Khan and (2) Zafar Khan are produced from judicial custody.

Ld. Advocates on behalf of the accused persons are present.

Ld. P.Ps. in charge (Sr. and Jr.) are present.

P.W.-6 namely **Shabbir Khan** is present today. He is examined **in chief in full**.

Documents (one page containing different signs and symbols of Indian Defence, computer printout of two pages containing some details about different units of Indian Army, four pages containing photographs and details of different ships of coast guard of India, two pages containing some details in table format under the heads “Accretional Forces Panagarh (2013-14) and (2014-15), two printed colour photographs of Panagarh Railway Station, two printed colour photographs of M.C.O. Main office, one printed colour photograph of Air Force Station Panagarh, one printed colour photograph of Military Base Pangagarh Gate no:-2, one printed colour photograph of one army vehicle, three printed colour photographs showing ships and lock gates and his signatures on the documents) are marked as **exhibits-15, 15/1, 16 (Coll.), 16/1 (Coll.), 17 (Coll.), 17/1 (Coll.), 18 (Coll.), 18/1 (Coll.), 19 (Coll.), 19/1 (Coll.), 20 (Coll.), 20/1, 21, 21/1 (Coll.), 22, 22/1 (Coll.), 23, 23/1 (Coll.), 24 (Coll.) and 24/1 (Coll.)**.

Materials (his signature on labels pasted on envelopes, black colour hand cum shoulder bag, one “Sandisk” SDHC card, his signatures on loose labels and one small padlock of “Palam” Company and its key) are marked as **material exhibits-XIII, XIV, XIV/I, XV, XVI, XVI/I, XVII, XVIII (Coll.) and XVIII/I**.

At this stage, ld. advocates of the accused persons filed a petition u/s 231 (2) Cr. P.C. praying for passing necessary order to defer the cross-examination of P.W.-6 namely **Shabbir Khan till the examination in chief of C.S.W.-7 namely Md. Imtiaz Alam** is completed.

Copy served upon the prosecution.

Perused the petition.

Heard the ld. P.P. in-charge and ld. advocates of the accused/petitioners.

Ld. Advocates of the accused submits that if the petition is not allowed, the defence will be disclosed and the accused/petitioners will be highly prejudiced.

Ld. P.P. in charge leaves the matter on the discretion of this Court.

As per section 231(2) of Cr. P.C., the Judge, in his discretion permits cross-examination of any witness to be deferred until any other witness or witnesses have been examined.

If that be the so, this court finds P.W.-6 namely **Shabbir Khan** and C.S.W.-7 namely **Md. Imtiaz Alam** are seizure witnesses.

It will be unjust to force the defence to cross-examine P.W.-7 without examining C.S.W.-7.

Continued.....

Continued order no.65 dated 11.02.2020

Thus, considering materials on record and nature of the case, this court finds that the petition u/s 231 (2) is required to be allowed. Otherwise the accused/petitioners will be highly prejudiced.

Accordingly, accused/petitioners are permitted to cross-examine the P.W.-6 namely **Shabbir Khan after the examination in chief of C.S.W.-7 namely Md. Imtiaz Alam** is completed.

Hence, the cross-examination of P.W.-6 namely **Shabbir Khan is deferred u/s 231 (2) Cr. P.C.**

No other witness is present today.

To-date i.e. **12.02.2020 and 13.02.2020** for production of the accused persons, examination of C.S.W.-07 and other witnesses.

The accused persons are remanded to judicial custody till date and be produced on 12.02.2020.

Prosecution is directed to take steps to ensure the attendance of the witnesses and production of alamats, if any, on the next date fixed.

D/C by me.

Chief Judge
City Sessions Court.
Calcutta.

Chief Judge
City Sessions Court.
Calcutta