

All the five accused persons namely Suman Majhi, Narayan Chakraborty, Sujit Das, Maloy Singha Roy and Bipul Mahabur Rahaman on C.B are present with their Ld. Advocates. Ld. PP-in-charge is also present. No witness is present today.

At this stage on behalf of Suman Majhi and Bipul Mahabur Rahaman, one application U/s-231(2) Cr.P.C is filed thereby praying for recording the examination-in-chief of total nine witnesses as mentioned in the petition and their cross-examination has been prayed to be deferred on the grounds stated therein.

On behalf of accused Sujit Das another list of twenty four witnesses have been named whose cross-examination has been prayed to be deferred U/s-231(2) Cr.P.C.

For the interest of justice both the applications are taken up for hearing.

Heard the Ld. Advocates for those accused persons who conjointly submitted that if the prosecution witnesses are examined and cross-examined as per production by the Ld. PP-in-charge in that event their defence might be disclosed and the accused persons would be prejudiced. They prayed for recording the examination of those witnesses one after another and then they should be cross-examined accordingly.

Such prayer is strongly opposed by the Ld. P.P-in-charge who submits that there are altogether 127 listed witnesses and most of them as mentioned in these petitions are Government Officials and most of whom have been transferred to different parts of West Bengal and if they are asked to come one after another to record their examination-in-chief and again they are to come to record their cross-examinations in that event it would be a never ending trial and the prosecution would face immense difficulty. Considered.

The accused persons are facing the instant Criminal trial on allegation of defalcation of huge amount of Government funds to the tune of Rs.1,29,65,380/- and the matter is based on not only oral evidence but documentary evidence as well. It is now well settled that the provision U/s-231 (2) Cr.P.C should be used sparingly and the defence can not claim the same as a matter of right and mere asking to defer the cross-examination is not sufficient. In this matter it is not understood that how the evidences of Government Officials spreaded in different parts of West Bengal one by one would disclose the defence of the accused persons. The matter was initiated on the basis of a complaint filed by the District Magistrate, Dakshin Dinajpur dated 12-08-2010 and the charge could be framed only on 06-01-2015 i.e., after lapse of about five years and allowing the instant prayer would cause unnecessary delay in trial, since about 127 witnesses would have to be examined and in the instant matter the court does not find any sufficient ground to use its discretion to allow the instant petitions. Therefore both these prayers stand rejected.

Considering the ambit of prosecution case, fix 25-05-2015 for examination of C.S.W No.1. The prosecution is directed to take all necessary steps for attendance of that witness and after his examination a comprehensive schedule would be fixed.

To date for appearance of the accused persons.

Dictated & corrected by me

Judge

Additional Sessions Judge, 1st Court,
Balurghat, Dakshin Dinajpur.