

Session Case no. 100 of 2017 (CIS no. 68 of 2017)

CNR No. WBDD01/000738/2017

Order No. 27
28.08.2024

Today by filing appointment letter Ld. LADCS appear for the accused person namely Chhaton Mahanta @ choto Chhaton.

Ld. P.P. in-charge also files hazira.

CSW No. 1, Mira Das is appeared.

The accused person is represented by the Ld. LADCS u/s. 317 Cr.P.C.

Ld. LADCS today files a petition u/s. 231(2) of Cr.P.C with prayer for deferred cross-examination of CSW no. 1 to 4, 7, 8 and CSW no. 10 and 17 as per provision of section 231(2) and allow the defence counsel to cross-examination of these witnesses after completion of examination-in-chief of all the above CSWs.

It is submitted that the CSW no.1 the complainant is a sister of CSW no.2 the victim and Csw no. 3, 4, 7, 10 are brothers and relatives of the injured, CSW no. 8 and CSW 17 are close friend of the injured.

If these witnesses are cross-examined in different days then the accused is likely to be prejudiced as there is reasonable apprehension of the accused that favorable circumstances elicited during cross-examination from a particular witness might be disclose to the other witness.

Ld. P.P. in-charge raised no objection.

I have gone through the 161 statement of the witnesses and material on record. It appears to me that CSW no. 1 to 4, 7, 8 and 10 are appears to be eye witness and they were present at the time of incident. So considering the material on record I find merit on the prayer of the Ld.Defence Counsel and hence the petition under section 231(2) of Cr.P.C is allowed for the CSW no. 1 to 4, 7,8 and 10.

Today CSW no. 1 Mira Das further examining in chief and her cross-examination deferred under section 231(2) of Cr.P.C.

To 07.12.2024 for Evidence of CSW no. 2 and 3

09.12.2024 for Evidence of Csw no. 4 and 7.

12.12.2024 for Evidence of CSW no. 8 and 10.

Issue summons accordingly.

Dictated & Corrected by me .

**Additional Sessions Judge,
3rd Court at Balurghat,
Dakshin Dinajpur**

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3rd Court at Balurghat
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