

S.T 16(04) 2024
S.C 271/2023
CNR no.WBHG01-004263 -2017

Order no. 05 dt. 03.07.2024

All the six accused persons are produced from J/C.

Today is fixed for evidence of C.S.W-1. Defaco complainant Monoranjan Saha is examined as P.W-1. Complaint is marked as Exbt.1. Signature of the witness on the formal FIR is marked as Exbt.2. Signature of the witness on the seizure list dated 11.05.2003 is marked as Exbt.3 and one zimmanama is marked as Exbt.4. His statement recorded u/s 164 Cr.P.C is marked as Exbt.5 (entire).

At this stage, one petition u/s 231(2) Cr.P.C is filed and moved on behalf of the accused persons.

Copy served upon the learned P.P in-charge.

Heard both sides. Considered.

Learned Advocates for the accused persons commonly submit before me that the cross-examination of P.W-1 should be deferred along with the cross-examination of C.S.W-2, C.S.W-3 and C.S.W-4 namely Madhuparna Saha, Sandhyarani Saha and Munmun Saha.

Learned P.P in-charge present raised no substantial objection. However, he submits that learned court may peruse the C.D and consider the petition accordingly.

I have gone through the evidence of P.W-1 and his statement recorded u/s 161 Cr.P.C. I have further gone through the statements of C.S.W-2, C.S.W-3 and C.S.W-4 recorded u/s 161 Cr.P.C. It appears without doubt that they are the members of the same family and have evenly stated before the police on the facts of the case.

I am therefore of the view that the petition u/s 231(2) Cr.P.C is bonafide and justified and be allowed to render proper justice and to avoid disclosure of defence.

Accordingly,

ORDERED

that the petition u/s 231(2) Cr.P.C is hereby allowed on contest granting permission to the defence of all sets of the accused persons to cross-examine P.W-1 and thereafter, cross-examine C.S.W-2, C.S.W-3 and C.S.W-4 after completion of their examination-in-chief.

The aforesaid petition now stands disposed of.

To 15.07.2024 for examination-in-chief of C.S.W-2 ;

To 16.07.2024 for examination-in-chief of C.S.W-3;

To 18.07.2024 for examination-in-chief of C.S.W-4.

Dictated & corrected by me

Sd/-
Additional Sessions Judge,
1st Court. Chinsurah
J.O Code no.WB00753

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Additional Sessions Judge,
1st Court, Chinsurah.
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