

S.T.10/15.

Order No.26 dt.13.1.16.

Out of five accused persons - accused Santu Sardar and Goutam Sahoo are produced from correctional home and rest three accused persons on bail are present along with their advocates.

Ld. PP in charge is also present. One witness Ranita Mukherjee is present and she is further examined in chief as PW-1. Documents marked ext.4, 5, 6 & 7.

At this stage an application is filed by the defence advocates u/s 231(2) CrPC praying for deferring the cross examination of PW-1 and C S witness No.2 Smt Purnima Mukherjee and charge sheet witness No.3 Piyali Mukherjee. Considered the submissions of both sides. Those witnesses are closely related with each other and reside together. If the cross examination of these witnesses by defence is not deferred and the defence is compelled to cross examine those witnesses before completion of their examination in chief then the defence will be highly prejudiced as the entire defence would be disclosed and the prosecution will get opportunity to fill up the lacunae in their case that may be revealed during cross examination.

In view thereof, petition u/s 231(2) CrPC under consideration is allowed. Cross examination of PW-1 and C S Witness No.2 Smt Purnima Mukherjee and charge sheet witness No.3 Piyali Mukherjee is deferred till the completion of their examination in chief.

Case is adjourned for further evidence.

Fix 16.02.2016 & 17.02.2016 for further evidence. Prosecution to take steps for production of charge sheet witness No.2 Smt Purnima Mukherjee and charge sheet witness No.3 Piyali Mukherjee for their examination in chief.

Accused persons who are produced from correctional home are remanded to correctional home till date and the accused on bail are as before.

D/C

ASJ

Addl. Sessions Judge, 2nd Court, Howrah.

