

SC 187/13 (CIS 884/17)

(Arising out of Alipurduar PS case No. 49/2013 dated 06.02.2013)

Order dated 30.07.2025

Today is fixed for evidence of CSW 11, 14 and 21.

3 accused on CB are present by filing appearance.

Ld PP in charge and Ld advocate for the accused are present.

CSW 11 and 14 are present before the court after receiving summons.

An application is filed under section 231 Cr PC by the Ld counsel for accused praying for deferring cross-examination of CSW 11 and 14 for the purpose of effective and fair hearing.

Copy of the application is served upon the Ld PP in charge.

No objection is raised by the prosecution.

The Hon'ble Apex Court has laid down that there needs to be a balance between the right of the accused and the prerogative of the prosecution to lead evidence. The factors to be considered is the possibility that non-deferral would enable subsequent witnesses giving evidence on similar facts to tailor their testimony to circumvent the defence strategy.

Considering the above aspect, the prayer of the accused under 231 Cr PC is allowed.

Today prosecution witness CSW 11, Tapash Barman and CSW 14, Santosh Kumar Barman are present before this court and examined as PW 9 and PW 10 in part and their cross examination is deferred.

Fixing 21.08.2025 for cross-examination of CSW 11/PW 9 Tapash Barman and CSW 14/PW 10 Santosh Kumar Barman.

Issue summons upon CSW 11/PW 9 Tapash Barman and CSW 14/PW 10 Santosh Kumar Barman.

Accused as before

The trial of the instant case is pending for more than ten years.

Issue summons through Nodal Officer, Alipurduar.

Let a copy of the order be sent to the Nodal Officer, Alipurduar

Addl. Dist. & Sessions Judge,
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.