

Special Case No.95/2022

Present :Smt. Papiya Das (J.O.No. WB00736)
Judge, Special Court,
Alipurduar.

Order no.15
dt.01.06.23.

Accused Buddu Lama @ Bhuntey is produced from J/C.

Ld. Special P.P is present by filing hazira.

Today is fixed for hearing of petition dated 23.03.23 filed by Ld. Advocate on behalf of the accused person.

Heard the Ld. Defence counsel as well as Ld. Special P.P.

Perused the petition.

Ld. Advocate for the accused submits that he has missed to put some questions to the P.W.1 at the time of her cross-examination mainly with regard to the statement u/s 164 Cr.P.C made by her before the Ld. Magistrate. Ld. Defence counsel thus prays for allow the instant petition for further cross-examination of P.W.1 and give him permission to further cross-examine the P.W.1.

Ld. Special P.P raises objection against submission of the Ld. Defence counsel and submits that the instant petition is devoid of any specific question which is to be put to the P.W.1. He thus prays for rejection of the instant petition.

After hearing rival contentions and perusal of the instant petition I find that the petition does not disclose any question which is to be put to the P.W.1 in further cross-examination by the defence. Further cross-examination of a witness is granted in a limited area and if it is allowed as a general rule at the desire of the defence counsel only, then it will open a flood gate to the defence which cannot be controlled. That apart, further cross-examination is generally not allowed in order to fill up lacuna of the defence. Above all, the instant petition is not supported with any affidavit or verification.

In the light of my above discussions, this Court is not inclined to allow the instant petition and the same is liable to be rejected.

Hence, the petition dated 23.03.23 is hereby rejected on contest.

Fix 10.08.23 for evidence of C.S.W. No.1

11.08.23 for evidence of C.S.W. No.3.

Issue summons accordingly.

Dict.& corr. by me

Judge, Special Court,
Alipurduar.

Judge, Special Court,
Alipurduar.