

Order no.35

Dated, 08.05.2023

Out of 2 accused persons, accused Gour Datta is present by filing hazira and another accused namely, Jamir Ali Mondal is produced from J.C. and remanded to J.C. Ld. P.P. in charge files hazira. Today is fixed for further evidence of PW-1 Sankar Das on the side of the prosecution. The witness namely, Sankar Das is present. He is examined as PW-1 in full. At this stage defence files a petition u/s 231(2) of Cr.P.C. praying for order to defer the cross-examination of PW-1 Sankar Das till the examination of C.S. Witnesses no. 4, 5, 7, 8, 11 and 12 namely Kabita Das, Prabhash Das, Dilip Das, Swapan Das, Ripan Das and Mahananda Das are completed on the ground that they are all near relatives of PW-1.

Heard the Ld. Advocate for the accused persons as well as the Ld. P.P. in charge on the petition u/s 231(2) of Cr.P.C.

In the instant petition the defence seeks an order permitting the cross-examination of the de facto complainant to be deferred until 6 other witnesses mentioned in the petition have been examined.

The Ld. P.P. in charge raises strong objection against the prayer of Ld. defence Advocate and submits that wanting the 5 charge sheeted witnesses are not relative witnesses except CSW no. 4 Kabita Das.

After careful consideration of the available materials on record, I am of the considered opinion that cross-examination of the de facto complainant Sankar Das should be deferred until his elder sister Kabita Das (CSW-4) is examined. I do not find the necessity to defer the cross-examination of the de facto complainant till examination of the rest of the witnesses mentioned in the petition. Accordingly, the instant petition is allowed in part. Cross-examination of the de facto complainant Sankar Das be deferred until examination of his sister Kabita Das (CSW-4). The prosecution is accordingly requested to take necessary steps for summoning the witness before the court prior to the other witnesses.

Accordingly, fix 23.06.2023 for evidence of P.W.-4

D/C

Addl. Sessions Judge
Fast Track 3rd Court, Basirhat