

**In the Court of the Ld. Addl. Sessions Judge, FTC 3rd
Court, Basirhat.**

Present:-

Sri Sanjay Naskar(**WB01025**)

Addl. Sessions Judge, in charge, Basirhat.

Order no. 5 dt.06.10.2023

All the accused persons are present.

Today is fixed for hearing petition dated 25/11/22 u/s 231(2) of Cr.P.C. filed by the accused. Ld. P.P. in charge is present. As fixed, the petition dated 231(2) of Cr.P.C. is taken up for hearing.

The Ld. Advocate for the accused submitted that CSW 1,2,3&5 are closed relations with each other and if cross-examination done in respect of any one of them, it may disclose the defence and the defence will be highly prejudiced. So, he prays for deferring their cross-examination.

Ld. P.P. in charge raised objection.

Heard both sides. Perused the record, C.D.

It appears that CSW 1, Sirajul Molla is the father of the deceased. CSW-2, Najrul Molla and CSW-3 Joynuddi Mondal are the brothers of CSW-1 and CSW-5 is the wife of CSW-1 and their statements have been recorded u/s 161 of Cr.P.C. On perusal of the said statement it appears that their evidence

may be of similar nature and so, cross-examination of any one of them may have the chance of disclosure of defence and it may cause prejudice to the defence.

Hence, it is

o r d e r e d

that the petition dated, 25/11/22 u/s 231(2) of Cr.P.C. is considered and allowed on contest. The prayer for deferring cross-examination in respect of CSW 1,2,3,5 is allowed until the examination of CSW 1, 2, 3 & 5 have been completed subject to condition that the accused will not cause any inducement or threats to the witnesses and will completely the cross-examination within the schedule dates.

To..... 17/01/2024 for examination of CSW 2&3.

To.....18/01/2024 for examination of CSW 5.

to19/01/2024 for examination of CSW-1,2,3,5.

Dictated & Corrected by me.

Addl. Session Judge,
Fast Track 3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. Session Judge,
Fast Track 3rd Court, Basirhat.