

Order no.1 dt. 24.11.2025

The accused Uttam Sardar @ Susanta Sardar is present by filing two petitions praying for waiving the condition of the bail order and deferring the cross examination of the CSW-1, VG till examination-in-chief of the CSW5, her husband. The Ld. Advocate for the accused Shib Prasad Hazra informs the court by filing petition that the accused Shib Prasad Hazra is in JC.

The accused Shib Prasad Hazra is produced from JC through VC and identified by the staff of the concerned correctional home and he is taken into custody and remanded to JC till date.

To day is fixed for consideration of charge. Ld. PP-in-Charge is present. Heard both sides.

Perused the case records, charge sheet and the documents filed.

Considered.

The substance of accusation of the offence is that for last one year before lodging the FIR on different occasion, at the house cum party office of Shiba Prasad Hazra, both the accused constituted group and in furtherance of common intention of all they committed rape on the victim girl on several occasion and on 07.02.2024, at about 3:00 PM, on the pucca road, by the side of the house of the informant, in furtherance of common intention of all, they used criminal force to the victim girl with intention of disrobing her and made physical contact and advances involving unwelcome and explicit sexual overtures to the victim girl against her will and caused sexual harassment to the victim girl and they voluntarily caused hurt to the victim girl by slapping her catching her lock of hairs, pushing her to the ground and they voluntarily caused grievous hurt to the victim girl and her husband and abused them in filthy language, threatened them with dire consequence.

On perusal of the case records, charge sheet and the documents filed, this Court feels, there are sufficient materials for presuming, the accused persons have committed the offence punishable u/s 341/354A/323/325/509/506/354B/376D/34 of IPC. **But this Court does not find sufficient ground for presuming that the accused have committed the offence punishable u/s 307 of IPC.** The substance of accusation of the offence punishable u/s 341/354A/323/325/509/506/354B/376D/34 of IPC is read over and explained to the accused persons to which they plead not guilty but claim to be tried. The charge so framed is also written in separate form and kept with the record. Thus the charge has been framed against the accused persons.

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Having heard both sides and perusal of the record, the statement of the CSW1&5, it appears that CSW-1 is the victim and CSW5 is her husband. Their evidence may be of similar nature and so, cross-examination of any one of them may have the effect of disclosure of defence and it may cause prejudice to the defence. So, the prayer for deferring the cross-examination of CSW-1, victim girl should not be allowed.

It appears that the accused persons allegedly have some political background and so, they may exercise their power in the local area and so, the condition of the bail order should be continued till further order.

Hence, it is

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that the petition dated, 24.11.2025 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 is allowed until the examination of CSW 5 has been completed subject to condition that the accused will not cause any inducement or threats to the witnesses and will complete the cross-examination within the schedule dates.

That the petition praying for waiving the condition of the bail order is considered and rejected on contest.

To16.12.2025.....for evidence of CSW 1.

17.12.2025.....for evidence of CSW 5.

Issue summon accordingly.

Accused as before.

Additional Sessions Judge,
Fast Track 3rd Court, Basirhat,
North 24 Parganas