

S.T. 2(3)2023

Order no.3
Dated, 04.05.2023

Today is fixed for hearing petition dated, 09.03.2023 u/s 231(2) of Cr.P.C. and evidence of CSW-1. Out of 12 accused persons, 9 accused persons namely, Ruhul Amin Molla, Malek Molla, Hakim Molla, Kutub Molla, Habibul Molla, Hasanur Molla, Hadibar Molla and Ajmira Bibi are present by filing hazira and 3 accused persons namely, Latif Molla, Khatip Molla and Kader Molla are produced from J.C. No witness is present today.

Heard the Ld. Advocate for the accused persons as well as the Ld. P.P. in charge on the petition dated, 09.03.2023.

In the instant petition the defence seeks an order permitting the cross-examination of the de facto complainant to be deferred until 5 other witnesses mentioned in the petition have been examined.

The Ld. P.P. in charge raises strong objection against the prayer and submits that such permission is unnecessary and will cause delay in the trial.

After careful consideration of the available materials on record, I am of the considered opinion that cross-examination of the de facto complainant Habiba Bibi (CSW-1) should be deferred until her husband and father-in-law namely, Abbasuddin Molla and Year Ali Molla (CSW-20 and CSW-3) are examined. I 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 Habiba Bibi (CSW-1) be deferred until examination of her husband and father-in-law (CSW-20 and CSW-3) respectively. The prosecution is accordingly requested to take necessary steps for summoning these witnesses before the court prior to the other witnesses.

Accordingly, fix 16.06.2023 for evidence of CSW no.1 & 3
17.06.2023 for evidence of CSW no.20

D/C

Addl. Sessions Judge
Fast Track 3rd Court, Basirhat