

S.T.04(08)2023 CIS 60 of 2023
J.O Code :- WB01070

Order no.10 dated 08-05-2025

Today is fixed for further evidence of P.W.1.

The sole accused on court bail is present with his Ld advocate.

Ld P.P in-charge is present with P.W.1 and who is examined-in-chief in full.

Ld advocate for the accused submitted that C.S.W.2 to 5 are the family members of P.W.1 and if the cross-examination is commenced, there is every possibility of the defence being disclosed causing prejudice to the accused and files a petition u/sec 231(2) Cr.P.C.

Ld P.P in-charge did not trace any specific objection to such prayer.

It does appeal that P.W.1 and C.S.W.2 to 5 are residents of the same house and family members. Therefore it cannot be denied that proceeding with the cross-examination might prejudice the accused.

The Hon'ble Supreme Court of India in the case of State of Kerala VS Rasheed being Criminal Appeal No.1321 of 2018 was pleased to lay down the guidelines for exercise of discretion u/sec 231 (2) Cr.P.C. It would appear that all such guidelines the stand satisfied. Hence, the prayer stands allowed.

To 23-06-2025 for evidence of C.W.S.2 and C.S.W.3

24-06-2025 for evidence of C.W.S.4 and C.S.W.5

D/C

Addl. District & Sessions Judge.
F.T.C.-8, Alipore.

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