

Sessions Case No. 60 of 2024
CNR WBUD01-01007-2024
J.O. Code WB00700

Order No.06
Dated:07.05.2025

The case is posted for further examination of PW-1 and examination of CSW-2.

Both the witnesses are present.

Out of three accused persons, one is physically present and rest two are present through V.C mode.

PW-1 Dhalu Barman is further examined-in-chief in full and his signature on confidential statement under section 164 Cr.P.C is marked as Exbt.2.

At this stage, defence counsel has prayed an application under section 254(3) BNSS with a prayer for deferring the cross-examination of PW-1 Dhalu Barman till examination of Lakshi Rani Roy, Labani Barman and Paritosh Barman who are closely related with each other.

On the other hand prosecution raised objection against the application filed by the defence counsel.

Heard and considered.

After careful perusal of the case record, it appears to me that this is a case under section 302 of IPC and based on circumstantial evidence and first four witnesses are closely related with each other and it is expected that they may depose in similar tune therefore if chief of such witness completed at a time, proper justice will be possible. Considering such facts and circumstances, I am of the view, if this application of the defence is allowed, substantive justice will not be defeated but if it is rejected, defence may be prejudiced. Accordingly, application under 254 (3) BNSS is hereby allowed. Accordingly, PW-1 is discharged without cross-examination and prosecution is directed to produce him again after completion of examination of aforesaid three witnesses and prosecution is further requested to produce Lakshi Rani Roy on the witness box.

At this stage, witness Lakshi Rani Roy is examined-in-chief as PW-2 and cross-examination is deferred in view of aforesaid observations. Her signature in the statement under section 164 of Cr.PC is marked as Exbt.3.

To date.

Accused be produced accordingly and appearance.

Dictated by me

Sessions Judge
Uttar Dinajpur at Raiganj

Sessions Judge
Uttar Dinajpur at Raiganj