



Sessions Case No – 334/2019  
Raiganj PS Case No – 124/2019  
State of West Bengal Vs. Bhagirath Mahaldar & Ors.

10/05.09.2024

Today is fixed for cross examination of PW-1 to PW-6 as per section 231(2) of the Cr.P.C.

Both the accused persons on court bail are absent in the court but represented by a petition u/s 317 of the Cr.P.C.

S/R in respect of Nikhil Mahaldar (PW-1), Raja Mahaldar (PW-2), Basona Mahaldar (PW-3), Chaina Paul (PW-4), Jharna Mahaldar (PW-5) and Jibon Mahaldar (PW-6) are returned after proper service. Let these be kept with the record.

Ld. PP-in-Charge is present with those 06 witnesses and file hazira.

Ld. Advocate for the accused is also present.

The witness namely Nikhil Mahaldar (PW-1) and Raja Mahaldar (PW-2) are cross-examined in full and released.

At this stage, a petition for adjournment filed by the Ld. Advocate Jayanta Kr. Banerjee appearing for the accused on the ground that Ld. Senior Advocate is not available in the court due to his illness. He further submitted that such adjournment will not be prejudicial to the accused as per section 231(2) of the Cr.P.C.

Objection raised.

Heard. Perused and considered.

On careful perusal of the record, it appears that cross examination of all these six witnesses were not made on the relevant dates on prayer of the accused under section 231(2) of the Cr.P.C. and as such, all such witnesses were summoned for facing cross examination in this single day. After cross examination of P.W.1 and P.W.2 Ld. Advocate for the accused file this adjournment petition. The intention behind such adjournment petition clearly shows that the accused will not face any kind of prejudice if the cross examination of the witnesses are not held at a time. Therefore, the earlier petition under section 231(2) of the Cr.P.C. was filed only to avail adjournment, harass the witnesses and also to intimidate fair trial.

Under such circumstances, the court finds fit to allow the adjournment as a last and special chance subject to payment of cost to compensate the harassment. Accordingly, the prayer for time is allowed with a direction to pay cost of Rs.200/- to the each of the remaining 04 witnesses namely Basona Mahaldar (PW-3), Chaina Paul (PW-4), Jharna Mahaldar (PW-5) and Jibon Mahaldar (PW-6) who are called on this day on the prayer of the Ld. Advocate for the accused. Accordingly, the accused persons are directed to pay cost of Rs. 200/- (if paid today) each to the each of those 4 witnesses.

Ld. Advocate for the accused is directed to take step for due compliance by ensuring payment of cost. In reply Ld. Advocate promises to ensure the payment of cost by this day.

Fix 06.12.2024 for cross-examination of PW-3 & PW-4.

Accused as before.

Prosecution to take necessary steps.

Dictated and corrected

ASJ FTC-II, Raiganj  
Uttar Dinajpur

(Manik Lal Jana) (WB01023)  
ASJ, FTC-II, Raiganj,  
Uttar Dinajpur

Visit [ecourts.gov.in](https://ecourts.gov.in) for updates or download mobile app "eCourts Services" from Android or iOS