

D/L110
June 16,
2022
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C.R.R. No.1227 of 2022

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Shiba Shaw @ Shiva Shaw
Versus
The State of West Bengal & Anr.

Mr. Navanil De,
Mr. Srinjan Ghosh,
Mr. Subhrajit Dey
...for the petitioner.

Mr. Arijit Ganguly,
Ms. Sujata Das.
...for the State.

The petitioner is aggrieved by the closure of cross-examination of PW1 as directed by the learned trial court by its order dated April 7, 2022. In fact, the petitioner's prayer for deferment of cross-examination of PW1 was refused by the learned trial court by its order dated April 7, 2022.

I have perused the case diary. I have considered the prayer advanced by the petitioner for deferment of cross-examination of PW1 till the examination-in-chief of CSW 10, 11 and 13 are completed.

Mr. Arijit Ganguly, learned advocate appearing for the State opposes such prayer advanced by the learned advocate for the petitioner and submits that the prosecution would be prejudiced in case the cross-examination of PW 1 is deferred.

Such prayer is considered and this Court feels on an appreciation of materials that CSW 10, the victim of the case, has no relation with the nature of evidence which may cause prejudice

to the petitioner. As such, the prayer for CSW 10 to be examined after the evidence of CSW 11 and CSW 13 are concerned that cannot be acceded to. PW 1 in the factual matrix of the case will be allowed to be cross-examined by the petitioner after the examination-in-chief of CSW 10 and CSW 13 is over. Learned trial court would defer the cross-examination of PW1 and allow the petitioner to cross-examine PW 1 after the evidence and examination-in-chief of CSW 11 and CSW 13 is over, provided the prosecution tender such witness.

The part of the order relating to “the cross-examination of PW 1 is hereby closed” is set aside.

With the aforesaid observations, CRR 1227 of 2022 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)