

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Jay Sengupta

CRR 1494 of 2025

Prosenjit Bapari

Vs

The State of West Bengal

For the petitioner : Mr. Ankit Agarwala
Ms. Alotriya Mukherjee

.....Advocates

For the State : Mr. Debasish Roy, Id. P.P.
Mr. Suman De
Mr. Soumya Basu Roy Chowdhuri

.....Advocates

Heard lastly on : 17.04.2025

Judgment on : 17.04.2025

Jay Sengupta, J:

This is an application challenging the impugned order dated 24.03.2025 passed by the Learned Additional Sessions Judge, 1st Court, Hooghly at Chinsurah in ST No. 30 (05) 2022.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused who is facing custody trial. An FIR was lodged and a charge sheet submitted in the year 2022. Charges were framed in 2023. There were 53 witnesses cited in the charge sheet. The petitioner no. 1 filed an application under Section 231 of the Code praying that PW11 should be cross-examined only after the examination of CSW4. At that point the prosecution filed an application stating that it was not going to rely on any other witness except the I.O. Accordingly, the petitioner's application was disposed of. However, later on the prosecution again filed a list of fresh witnesses including the CSW4. The petitioner then prayed for deferment of cross-examination. But, the same was turned down without properly considering the issues raised.

Learned Public Prosecutor produces the case diary and points to the statement of PW11 as well as CSW4.

As both are alleged eye witnesses to the incident and gave their respective versions, it is fair for the petitioner to pray that cross-examination of the one shall be deferred only after examination of the other witness, namely, CSW4.

In view of the above and in the interest of justice, the impugned order is set aside to the relevant extent and the learned trial court is directed to defer the cross-examination of PW11 till after the examination of CSW4.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)