

19.03.2026

Ct. No.42

D/L 46

Mujahid

CRR 664 of 2026

Haider Sk @ Haider Ali Sk @ Khyapa
Vs.
The State of West Bengal

Mr. Prabir Majumder
Mr. Snehansu Majumder
Ms. Anindita Kundu
Ms. Sangeeta Chakraborty

...for the petitioner

Mr. Debasish Roy, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Ms. Suparna Chatterjee

...for the State

1. Present petition has been filed challenging the order dated 3rd January, 2026 whereby the learned trial court rejected the request of the petitioner for deferring the cross-examination of CSW-1 Minhaj Dadader, CSW-2 Siraj Dafadar, CSW-3 Moyna Dafadar, CSW-4 Lalu Dafadar and CSW-5 Naju Dafadar till the examination-in-chief of these witnesses are complete.

2. Learned counsel for the petitioner states that all these are member of the same family and if they are not cross-examined together there is a possibility of the defence being prejudiced.

3. Learned Public Prosecutor has opposed the plea and submits that the present application was moved only to protract the trial. Section 254 sub-section (3) of the BNSS, 2023 confers a discretion upon the learned trial court to permit the cross-examination of any witness to be deferred until any other

witness or witnesses have been examined including discretion to recall any witnesses or further cross-examination.

4. The anxiety of the defence is that if one of these witnesses is cross-examined before the examination-in-chief of other witnesses is recorded, it may give a chance to the witnesses to improve upon their case. Principles of natural justice mandate that the trial should be fair to both the prosecution and the accused.

5. After considering the submissions of both the parties and with the consent of both the parties. It is directed that the learned trial judge shall fix the case for four consecutive days in the month of April for recording the evidence of CSW-1 Minhaj Dadader, CSW-2 Siraj Dafadar, CSW-3 Moyna Dafadar, CSW-4 Lalu Dafadar and CSW-5 Naju Dafadar. Prosecution shall produce all these five witnesses on the first day of such dates fixed. Firstly, the prosecution will complete the examination-in-chief of all these witnesses and thereafter in that block of dates only the defence will complete the cross-examination.

6. Learned counsel for the petitioner has undertaken that the accused will not seek any adjournment for the cross-examination of these witnesses.

7. It has been brought to the notice of this Court that the case is fixed for evidence from 16th March to 20th March, 2026. In case any of such witness has been summoned for these dates, learned trial court is requested to bound down such witness for the next block of dates.

8. In view of the discussion made hereinabove, the revisional application stands disposed of.

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

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Dinesh Kumar Sharma, J.)