ITEM NO.4   COURT NO.7   SECTION II-B

S U P R E M E   C O U R T   O F   I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11553/2023

(Arising out of impugned judgment and order dated 05-07-2023 in
CRM(DB) No. 2120/2023 passed by the High Court at Calcutta)

SAIFUL LASKAR   Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL   Respondent(s)

(IA No. 185465/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 185467/2023 - EXEMPTION FROM FILING O.T.)

Date : 19-01-2024 This matter was called on for hearing today.

CORAM :
        HON'BLE MR. JUSTICE ABHAY S. OKA
        HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)
                Mr. Sunando Raha, Adv.
                Mr. Pulkit Agarwal, AOR
                Mr. Kunal Malik, Adv.
                Mr. Sudhanshu Kaushesh, Adv.
                Mr. K.P.Jayaram, Adv.

For Respondent(s)
                Ms. Madhumita Bhattacharjee, AOR
                Ms. Srija Choudhury, Adv.

            UPON hearing the counsel the Court made the following
                            O R D E R

        Heard the learned counsel appearing for the parties.

        In the counter affidavit filed by the respondent-

    State of West Bengal, shockingly, the State has relied up

    so called confessional statements of the petitioner-

    accused recorded by the police. To put it mildly, we are

    shocked to note that the State is relying upon

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confessional statements recorded before the police. Another disturbing feature is that after examination-in-chief of the PW-1 was recorded, without completion of his cross-examination, the Trial Court has proceeded to record the examination-in-chief of the second witness for the prosecution. The learned counsel appearing for the respondent-State, on instructions, pointed out that after examination-in-chief of five witnesses is recorded, their cross-examination will be recorded. We deprecate such practice.

As of today, we are not considering the prayer for bail only with a view to allow cross-examination of the two eye witnesses to be completed.

List on 12th February, 2024.

We direct the respondent-State to produce a copy of this order before the Trial Court.

(ANITA MALHOTRA)   (AVGV RAMU)
   AR-CUM-PS   COURT MASTER