

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P.60 of 2024

Sukesh Biswas @ Mithun and others

.....Petitioner(s)

Versus

State of Tripura

.....Respondent(s)

For Petitioner(s) : Mr. Subrata Sarkar, Advocate
Ms. Ayesha S Hirawat, Advocate

For Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

23.09.2024

This present criminal revision petition has been filed under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 against the impugned Order dated 27.08.2024 passed by learned Addl. Sessions Judge, Khowai Tripura in case No. ST(T-1) 30 of 2018, wherein, the adjournment prayer of the defence side for allowing further time to cross-examine the prosecution witness No.43 (the Investigating Officer of the case) was rejected and the evidence of prosecution was closed.

[2] The prosecution story as contended in the present petition in brief is that an FIR was lodged by the informant, Sri Lokenath Datta, of A.D. Nagar, Agartala, alleging *inter alia* that on 29.09.2018 at about 09.20 P.M. he received information over phone from someone of his daughter's matrimonial house of Khowai, Durganagar that his daughter was died. Immediately the informant along with his wife and other relative rushed to his daughter's matrimonial house and there found

that dead body of his daughter was lying in the veranda with pool of blood. It has been also alleged in the FIR that on that day at evening the daughter of the informant made a conversation over phone with her mother and informed that she was subjected to mental and physical torture by her husband and brother-in-law and they used to threaten her of murder. Accordingly, the informant alleged that the husband and brother-in-law of his daughter conspired and killed his daughter by cutting her throat with sharp weapon. On the basis of the FIR the O/C, Khowai P.S registered a case vide Khowai PS Case No. 2018/KHW/114 dated 30/09/2018 U/s 498A/302/34 of IPC & added Section 120B/201 of IPC against the accused revision petitioners and started the investigation of the case. After investigation, the I.O. of the case submitted Charge sheet dated 12.12.2018 against the revision petitioners under section 498A/302/34/120B/201 of IPC. After commitment, the learned Sessions Judge, Khowai Tripura, framed Charges against the revision petitioners u/s. 498(A)/302/120B/201/34 of IPC for which the accused revision petitioners pleaded not guilty and claimed to be tried.

[3] On 27.08.2024 the case was fixed for cross- examination of the Investigating Officer of the case. On that day the learned counsel appearing for the defence side has filed an adjournment prayer before the learned Trial Court for allowing further time to cross-examine the witness present, on the ground that the learned senior counsel for defence side could not appear on that day because water submerged into his chamber due to flood. It is contended that learned Addl. Session Judge, Khowai Tripura vide its order dated 27.08.2024 passed in case No.ST(T-1) 30 of 2018 has rejected the adjournment prayer made by

the defence side and the present witness was discharged without cross-examination. The evidence of PWs was thereby closed and next date is fixed for examination of accused persons U/S 313 of Cr.P.C. Being aggrieved, the instant revision petition has been filed by the petitioners with a prayer for setting aside/quashing the aforesaid impugned order dated 27.08.2024.

[4] Heard Mr. S. Sarkar, learned senior counsel assisted by Ms. Ayesha S Hirawat, learned counsel appearing for the petitioners. Mr. R. Datta, learned PP is present on behalf of the State.

[5] It is contended on behalf of the petitioners that an accused cannot be denied his legitimate right of cross-examining the witnesses. Investigating Officer is a vital witness in the case and depriving the accused to cross-examine the I.O. of the case, would be prejudiced in the eye of law.

[6] Upon hearing the submissions made at the Bar, this Court is of the opinion that ends of justice would be met if one more opportunity is given to the accused persons (petitioners herein) for leading cross-examination of the prosecution witness i.e. the Investigating Officer. Learned counsel upon instructions, submits before this Court that it would be convenient for them if the case is fixed before the Court below on *14th November, 2024* for cross-examination of the I.O. Accordingly, the impugned order dated 27.08.2024 is set aside directing the Court below to conduct the matter on *14.11.2024*.

It is needless to observe that in the event, if the petitioners herein fail to proceed with the matter on above-mentioned fixed date, it

will be open for the Court below to pass appropriate order in accordance with law.

In view of the above, the present petition is disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

JUDGE

Sabyasachi G.

