

GAHC010042562022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./91/2022

ABUL HUSSAIN LASKAR @ ABDUL SAHID ABUL HUSSAIN LASKAR
S/O ABDUL JALIL LASKAR
VILL- DAKHIN KRISHNAPUR
P.S. SILCHAR
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE PP, ASSAM

2:ABDUL GONI CHOUDHURY
S/O ABUL HUSSAIN CHOUDHURY
VILL- TANDUR KALI GRAM
P.S. SONAI
DIST. CACHAR
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. A AHMED,MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM, MR. A H M R CHOUDHUR (R-2)

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20.09.2024

Heard Mr. I. U. Choudhury, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State and

Mr. A.H.M.R. Choudhury, learned counsel for the respondent No. 2.

This is an application under Section 401 r/w Section 482 Cr.P.C. and r/w Section 227 of Constitution of India against the impugned order dated 10.01.2022 passed by the learned Additional Sessions Judge (FTC), Cachar in connection with Sessions Case No. 46/2016.

It is submitted by the learned counsel for the petitioner that the petitioner filed an application on 22.11.2021 under Section 311 Cr.P.C. with a prayer to allow him for further cross-examination of PWs 1, 2, 3 and 5. The application was filed on the grounds that some vital and material facts related to earlier statements made before the investigating officer and during the examination-in-chief were not presented on record. The application was filed to ensure a fair trial in the interest of justice, and the petitioner provided details of the questions he intended to ask the prosecution witnesses; however, the learned trial court rejected his request by order dated 10.01.2022.

On the other hand, Mr. Choudhury, learned counsel for respondent No. 2, submits that there is no objection to the further cross-examination of PWs 1, 2, 3, and 5.

Accordingly, the petitioner is directed to approach before the learned trial court for further cross-examination of PWs 1, 2, 3 and 5.

In the view of the above, the criminal revision petition stands disposed of.

Interim order passed on 07.03.2022 stands vacated.

JUDGE

Comparing Assistant