

GAHC010175972024



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

Case No. : Crl.Rev.P./336/2024

ANJAN SAHU
S/O BUDHRAM SAHU
R/O VILL- BURAGAO, MOUZA- KAKI, P.O. JURAPUKHURI
P.S. LANKA
DIST. HOJAI, ASSAM, PIN- 782442

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PP, ASSAM

2:SRI BISHNU PRASAD SAHU
(INFORMANT)
S/O BUDHARAM SAHU

R/O VILL- BURAGAON
P.S. LANKA
DIST. HOJAI
ASSAM
PIN CODE-782442

3:SOMBABAI SAHU (VICTIM)
W/O LATE SUNAU SAHU
R/O VILL- BURAGAON

MOUZA- KAKI
P.O. JURAPUKHURI
P.S. LANKA

DIST. HOJAI
ASSAM

PIN- 78244

Advocate for the Petitioner : G UDDIN, MR A K AZAD, P ADHIKARI

Advocate for the Respondent : PP, ASSAM, P ADHIKARI

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 30.08.2024

Heard Mr. G. Uddin, learned counsel appearing for the revision petitioner as well as Mr. R.R. Kaushik, learned Additional Public Prosecutor for the State of Assam.

2. This is an application u/s 438 read with section 528 of BNSS, 2023 challenging the order dated 01.08.2024 passed by the learned Sessions Judge, Hojai in connection with Session Case No. (1) 05/2018.

3. The case of the petitioner in a nutshell is that he has been facing trial before the court below and after closure of hearing of the prosecution witnesses, he took 3 (three) years' time to examine defence witnesses. The learned trial court felt that sufficient time was granted to the petitioner for examining defence witnesses. Therefore, hearing for examination of defence witnesses was closed.

4. I have considered the submissions made by the learned counsels of both sides.

5. This Court is of the opinion that the learned trial court has correctly arrived at the said decision, but the petitioner shall be given one single opportunity to examine three defence witnesses. Therefore, the impugned order to that effect is set aside.

6. The petitioner is directed to appear before the trial court with a certified copy of this order and the trial court has the liberty to fix the case on another date for examination of the 3 (three) defence witnesses.

7. It is hereby clarified that no further chance shall be given to the petitioner to

examine defence witnesses.

8. With the aforesaid direction, the criminal revision petition stands disposed of accordingly.

JUDGE

Comparing Assistant