

CRR 1423 of 2019
with
CRAN 4758 of 2019
with
CRAN 324 of 2020
(Via video conference)

In the matter of : Nathu Singh @ Nathu
.....Petitioner

Mr. Debasis Sur
Mr. Angshuman Patrafor the Petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick ...for the State

In Re: CRAN 4758 of 2019

The reasons so assigned in the application for restoration are found to be just and sufficient.

Accordingly, the application for restoration being CRAN 4758 of 2019 is allowed. The original order dated 18.9.2019 is recalled.

The Department is directed to restore the revisional application to its original file and number.

In Re: CRAN 324 of 2020

An application has been preferred for condonation of delay in preferring the revisional application. It has been contended that there has been a delay of 51 days in preferring the revisional application as the learned advocate was out of station.

The reasons so assigned, cannot be attributed to the petitioner as it was the personal reasons of the lawyer for which the revisional application could not be filed within the scheduled time.

Having regard to the same, I am of the opinion that the delay could not be a bar for the remedy, prayed for before this Court.

Accordingly, the delay of 51 days in preferring the revisional application, is condoned. Thus, the application for condonation of delay being CRAN 324 of 2020 is allowed.

In Re: CRR 1423 of 2019

The present revisional application has been preferred challenging the order dated 2.4.2019 passed by the learned Additional Sessions Judge, 4th Court, Asansol in connection with ST No. 09 of 2018 (SC No. 69 of 2018) arising out of Asansol (Women) Police Station Case No. 51 of 2016 under Sections 448/354B/376/511 of the Indian Penal Code.

The grievance of the present petitioner is that the evidence of two witnesses have been closed without the petitioner being allowed to cross-examine.

I have considered the orders passed by the learned trial Court. The order so enclosed, shows that there were resolution of the Bar as such the trial court could not proceed after commencement. The examination in chief of CSW-1 and CSW-2 was over and a part of the cross-examination was conducted and an adjournment was subsequently sought by the defence for engaging a learned counsel on the next date, the same was allowed by the learned trial Court.

On the next date i.e. 2.4.2019 after fixing the matter at different court hours, finally, the learned counsel turned up and again prayed for accommodation. The learned lawyer thereafter, prayed for recalling the earlier order.

Having regard to the conduct of the petitioner before the learned trial Court, I am of the opinion that there is no illegality in the order as the administration of justice requires a sessions trial to proceed. The manner in which the lawyers have been behaving before the Court for deterring its progress, particularly, in a case under Section 376 of the Indian Penal Code cannot be encouraged by setting aside the orders of the trial Court who are physically dealing with the administration therein.

Thus, no interference is called for.

Accordingly, the revisional application being CRR 1423 of 2019 is dismissed.

Pending other applications, if any, are hereby dismissed.

Learned trial Court is directed to proceed with the trial of the case.

All parties are to act on the server copy of this order, duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)