

12.4.2021

ks.

Ct. 42, sl.16

CRR 951 of 2021

Jadab Chattopadhyay @ Jadav

vs

State of West Bengal

Mr. Moyukh Mukherjee,
Mr. Koustavlal Mukherjee,
Mr. Sarthak Mondal
... For Petitioner.
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan
... For the State.

The impugned order dated 3rd February, 2021 scheduling for examination of charge-sheeted witnesses Nos. 11,12 and 13 is the subject of challenge in this revisional application.

The copy of the revisional application has not been served upon the State.

Without going into the details, copy be immediately be served to Mr. Arijit Ganguly, learned Advocate ordinarily representing the State as junior Government Advocate.

Mr. Mukherjee, learned Advocate representing the petitioner drawing attention to the charge-sheet submitted in this case submits that charge-sheeted witnesses Nos. 7 and 8 are the neighbours of the de facto complainant, while charge-sheeted witnesses Nos. 9 and 10 are the son and wife of the de facto complainant, and they are the most dependable witnesses for the prosecution. In this case, the de facto complainant has been shown in the charge-sheet as charge-sheeted witness No.1.

Mr. Ganguly, learned Advocate being assisted by Mr. Dan, learned Advocate submits that having understood the true

purport of this case, the court below previously issued summons upon the charge-sheeted witness Nos. 7-10 by order dated 6.11.2020, but for the non-appearance of the witnesses on the date so scheduled i.e. on 3rd February, 2021, the court found no other alternative, but to proceed with the trial of this case issuing summons further upon the charge-sheeted witness Nos. 11,12 and 13.

Mr. Mukherjee, learned Advocate representing the petitioner submits that his prayer is very innocuous that complainant, his sons, wife and neighbouring witnesses of complainant be examined first, who are the most dependable witnesses for the prosecution and without their examination first, there is fair chance of having suffered serious prejudice, which may properly be taken care of.

Having considered the submission of both sides, the instant revisional application be disposed of with the direction upon the learned court below to examine first charge-sheeted witnesses Nos. 1, 7-10, and then proceed with the examination of other witnesses as per charge-sheet on the prayer of the learned Prosecutor, conducting the trial.

The learned court below is further directed that steps may be taken to examine such witnesses by issuing summons, and if necessary upon resorting to steps available under Section 309 Cr.P.C.

With this direction and observation, the revisional application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Subhasis Dasgupta, J.)