

CRR 1691 of 2019
With
I.A. No. CRAN 1 of 2021
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I.A. no. CRAN 3 of 2021
(Via video conference)

Ashim Kumar Das
Vs.
State of West Bengal & ors.

Mr. Satadru Lahiri
Mr. Abhik Chitta Kundu...for the petitioner

Mr. Arindam Janafor the opposite party

Mr. Anwar Hossain
Mr. Sreyashee Biswas ...for the State

Report submitted by learned advocate appearing for the State be kept with the record.

The report submitted by learned advocate appearing for the State, reflects that the investigating officer or the concerned officer associated with Contai Police Station has been able to locate two doctors who were cited as witnesses. The report also reflects that today (i.e. 27.9.2021), the date has been fixed for evidence before the learned trial court.

The grievance of the present petitioner being the complainant is that the two doctors and the investigating officer have not examined in this case.

Having regard to the fact that the trial was conducted under Section 323/324/506/34 of the Indian Penal Code which incorporates bodily injury, I am of the view that without the examination of the two doctors, it would be difficult for a court of law to arrive at an appropriate conclusion. In view of the

aforesaid order dated 14.6.2019 passed by the learned Judicial Magistrate, 1st Court, Contai, Purba Midnapore is set aside. The learned Magistrate will fix three days in the month of October and November 2021 so that the examination of the doctors and the investigating officer is over. Thereafter, the learned Magistrate would fix the date for examination of the two accused under Section 313 of the Code of Criminal Procedure. In case, the defence intends to examine some witnesses, the learned court would allow 60 days time, if required, for examination of the defence witnesses and thereafter, pronounce the verdict of the case on or about 15th February, 2022.

With the aforesaid observations, CRR 1691 of 2019 is partly allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)