

CRR No. 2361 of 2021

In Re : Dinesh Dutta

.....Petitioner.

In the matter of : An application under Section 401 read
With Section 482 of the Code of
Criminal Procedure.

Mr. Chanchal Kumar Dey
Mr. Abhishek Sikdar

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

....for the State.

The present revisional application has been preferred challenging the order dated 09.11.2021 passed by the Learned Judge, 4th Special Court, Calcutta wherein the application under Section 311 of the Code of Criminal Procedure was rejected by the learned special court. The contention in the application under Section 311 of the Code of Criminal Procedure was in respect of recalling of prosecution witness no.2 who is the first Investigating Officer of the case and one Monoranjan Bera who was jointly working as a peon on the relevant date.

However, in the prayer of the application under Section 311 of the Code of Criminal Procedure, recalling of P.W.1, P.W.2 & P.W.16 as also the CSW nos. 9 and 11 and one Manoranjan Bera was advanced.

The learned special court on consideration of the same rejected such prayer.

Mr. Dey, learned advocate appearing for the petitioner emphasized regarding the re-examination of the witnesses for the ends of justice.

Mr. Roy Chowdhury, learned advocate for the State opposes the same.

I have perused the order dated 09.11.2021 passed by the learned special court and the ordersheet reflects that the argument has already commenced and a date has been fixed for further argument of the case. There are certain observations of the learned special court regarding the non-examination of witnesses and the prayer in the application.

I restrain myself from commenting on the examination/re-examination of such witnesses at this advanced stage of the proceedings as on perusal of the application under Section 311 of the Code of Criminal Procedure, I am of the opinion that the same lack material particulars for considering recalling or re-examination of such witnesses.

Presumably, the stage of evidence of defence witnesses is over as argument of the case is in progress. By praying for recalling of about 7 witnesses the accused in this case has tried to either delay the proceedings or change the nature and the character of the evidence which is already on record which cannot be allowed when the trial court on the

evidence is assessing the final argument for pronouncing the judgement.

With the above observations, I am of the view that the present revisional application do not call for any interference from this court at this belated stage.

Accordingly, the criminal revisional application being CRR 2361 of 2021 is dismissed.

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

(Tirthankar Ghosh, J.)