

22.12. 2021
item No.93
n.b.
ct. no. 34

(via video conference)
CRR 2440 of 2021

In re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure arising out of Manicktala P.S. Case No.173 of 2011 dated 27.7.2011 under Section 396 of the IPC and Section 25(1)(b) (a)/27 of the Arms Act.

Aizul Laskar @ Azizul Laskar & Ors.
Vs.
The State of West Bengal

Mr. Tarique Quasimuddin,
Ms. Sanchita Chaudhuri
..for the petitioners

Md. Arijit Ganguly,
Mr. Sanjib Kr. Dan
... for the State.

Mr. Quasimuddin, learned advocate appearing for the petitioner draws the attention of this court to the application under Section 311 of the Code of Criminal Procedure which was preferred before the Learned Trial Court. Learned advocate has also drawn the attention of this court to the order dated September 8, 2021 wherein the learned Trial Court was pleased to refuse the prayer as preferred.

Mr. Arijit Ganguly, learned advocate appears on behalf of the State and submits a report. Let the report be kept with the record.

It has been informed that the next date has been fixed on January 13, 2022. It is also reflected from the records that the hearing of the argument of the case was fixed on December 3, 2021.

In view of the submissions made by the learned advocate for the petitioner, it is directed that in case the learned Trial Court has not completed the arguments of the case. The learned Trial Court would afford opportunity to the present petitioner to cross-examine the PW 38 restricted to the omissions, suggestions and contradictions as stated in paragraph 2 of the application under Section 311 of the Code of Criminal Procedure.

Mr. Arijit Ganguly, learned advocate for the State is directed to inform through the concerned authorities for PW 38 to appear before the learned Trial Court on January 13, 2022. The learned Trial Court if required will fix another date within a fortnight and thereafter proceed with the case in accordance with law.

With the aforesaid observations the order dated 8.9.2021 so far as it relates to the application under Section 311 of the Code of Criminal Procedure is concerned is set aside. The learned Trial Court would follow the observations made above and proceed in accordance with law.

CRR 2440 of 2021 is partly allowed.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)