

CRR 727 of 2020
(Via video conference)

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of : Dhiren Saha

.....Petitioner

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous

.....for the Petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State

Pursuant to the order dated 16th February, 2022, a report has been submitted by Mr. Banerjee, learned Additional Public Prosecutor appearing for the State. Let the same be kept with the record.

Record reflects that seven witnesses out of fourteen witnesses have been examined. The evidence of the prosecution has been closed and date has been fixed on 6th April, 2022 for examination of the accused persons under Section 313 of the Code of Criminal Procedure.

The complainant who has approached before this court has expressed his anxiety that even the Investigating Officer of the case has not been examined as a witness in the instant case.

In view of the anxiety expressed by the complainant, I find that there is substance regarding non-examination of number of witnesses. The case is of the year 2014 and the subject matter involves alleged offences under Section 304B of the Indian Penal Code.

In view of the same, I am of the opinion that the prosecution should be afforded another opportunity to produce all the witnesses prior to the examination under Section 313 of the Code of Criminal Procedure being conducted.

Accordingly, the present petitioner would prefer an application for communicating this order to the learned trial court. Pursuant to that, the learned trial Court would pass a specific direction upon the Officer-in-charge, Basirhat Police Station who would produce the witnesses on the dates so fixed.

Needless to state that the next date is fixed on 6th April, 2022 when at least three of the witnesses must be produced before the court for conducting the examination-in-chief and cross examination and the rest of the witnesses should be completed within a month from the said date preferably by 12th May, 2022.

The learned court would at liberty to examine the accused persons under Section 313 of the Code of Criminal Procedure from the week starting from 16th May, 2022.

It is further directed that in case, any of the witnesses is reluctant to appear before the learned trial court, the learned trial Court would be at liberty to direct the Officer-in-charge, Basirhat Police Station for executing and exhausting harsher process of law.

Accordingly, the revisional application being CRR 727 of 2020 is disposed of.

Pending applications, if any, are consequently, disposed of.

Interim order, if any, is hereby vacated.

The learned Additional Public Prosecutor appearing for the State is directed to communicate this order to the Officer-in-charge, Basirhat Police Station.

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

(Tirthankar Ghosh, J.)