

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 976 of 2022

Notan Santra & Ors.
Vs.
The State of West Bengal & Anr.

For the Petitioners : Mr. Pampa Dey (Dhabal)
Heard on : 29th March 2022
Judgment on : 29th March 2022

The Court:

This is an application challenging an order dated 13.12.2021 passed by the learned Additional Sessions Judge, F.T.C., Bishnupur, Bankura in Case No. S/C 25(4) 11 under Section 302 read with Section 34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners presently are on bail. At the stage of argument an application was filed on behalf of the defence for recalling of witness being P.W.-3 under Section 311 of the Code. During his deposition that was given in August, 2012, the P.W. -3 had stated as under ;-

“..... when I heard a groaning sound within the bamboo clumps and then I informed the same to my para people. Thereafter I went for my business work. The para people took Bodey to the hospital.....”

Certain relevant questions were not put to the said witness in the cross. It was required to ask him as to whose groaning sound did he hear in the bamboo clumps and as to whether he witnessed anything or not. The learned Trial Judge failed to appreciate the true purport of the application and erroneously held that this application was only an attempt to fill up the lacuna. In the interest of justice, the defence needs to put the said questions to the said witness being P.W. -3.

I have heard the submission of the learned counsel for the petitioner and have perused the revision petition including the impugned order, the evidence of P.W.-3 and the application for recalling of witness under Section 311 of the Code.

P.W.-3 had deposed about things that happened in 2012. It is abundantly clear, that if he wanted to say anything more, he would have said the same during evidence.

Besides, P.W. 3's evidence is quite clear. As such, there is no need to ask him further as to whose groaning sounds he had heard in the bamboo clumps or whether he witnessed anything or not.

The defence had ample opportunity to cross-examine the witness and in fact, did cross-examine the witness on pertinent points.

In view of the above, I find no merit in the prayer of the defence to recall and cross-examine the said witness namely, P.W.-3.

Accordingly, the revisional application is dismissed.

However, there shall be no order as to costs.

The learned Trial Court is requested to conclude the trial as expeditiously as possible without granting any unnecessary adjournment to any of the parties.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(JAY SENGUPTA,J)