

10.03. 2022
item No.26
n.b.
ct. no. 34

CRR 993 of 2020

Sikha Paul
Vs.
State of West Bengal & Ors

Mr. Samarjit Basu,
Mr. Amartya Das,
Mr. Pritam Chakraborty
.....for the Petitioner

Mr. Arijit Ganguly,
Ms. Sujata Das
.....for the State

Affidavit of service so filed be kept with the record.

Report submitted by Mr. Arijit Ganguly, learned advocate
appearing for the State be kept with the record.

I have considered the prayer advanced by the learned
advocate for the petitioner, the very purpose of examination prayed
by the petitioner was with the object of examining witness from the
Police Station and the Doctor concerned. The learned Magistrate
kept the application under Section 311 of the Code Criminal
Procedure pending and in the same breath observed that there was
sufficient materials for framing of charge.

In view of the observations made by the learned
Magistrate that there were sufficient materials for framing of
charge, the right of the complainant to examine these two
witnesses, therefore, is not waived in course of whole of the Trial.

The complainant would be at liberty to exhaust statutory provisions to examine the witnesses from the Police Station after providing the specifications as also call the competent authority from the NRS Medical College, who is acquainted with the medical documents.

Thus, I am of the opinion, at this stage if the complainant is permitted to recall the witnesses, the same would delay the process of framing of charge. For this limited purpose this court is reluctant to interfere with the order passed by the learned Magistrate.

The learned Magistrate is directed to proceed with the framing of charges on the next date so fixed and thereafter give option to the complainant for production of further witnesses as directed above.

With the aforesaid observations CRR 993 of 2020 is disposed of.

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

Learned Magistrate is directed to comply with the provision of Section 309 of the Code of Criminal Procedure to expedite the progress of the trial.

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

(Tirthankar Ghosh, J.)