

14.06. 2022
item No. 23
n.b.
ct. no. 34

CRR 1075 of 2021

**The State of West Bengal
Vs.
Muhibur Rahaman & Ors.**

Mr. Sabir Ahmed
.....for the Petitioner/State

Mr. Arindam Jana,
Mr. Soumajit Chatterjee,
Mr. Arhan Sengupta
.....for the opposite party no.1

The subject matter of challenge relates to the order dated 24.3.2021 where-in the Learned Special Court was pleased to expunge evidence of C.S.W 3 and C.S.W. 4. It has also been submitted that the next date is fixed on June 16, 2022 for examination of the Investigation Officer of the case.

Mr. Ahmed learned advocate appearing for the petitioner/State submits that the non-examination of C.S.W. 3 and C.S.W. 4 would seriously prejudiced prosecution case.

Mr. Jana, learned advocate appearing for the accused/opposite party refuted such contentions and submitted that and the State is responsible for non-production of such witnesses and the clock cannot be sent back.

I have perused the order passed by the Learned Special Court and the Learned Special Court cannot be said to be incorrect in its approach when there was a direction by this Court to expedite the progress of the trial in respect of the accused person who are

facing trial while in custody. However, the merits/interest of the case at all cannot be ignored.

In view of the given set of circumstances I direct that the prosecution would produce C.S.W. 3 and C.S.W. 4 on the next date before the Learned Trial Court. The Learned Trial Court will complete the examination of these witnesses and thereafter proceed to examine Investigating Officer of the case. The part of the order dated 24.3.2021 relating to expunging of evidence of C.S.W 3 and C.S.W. 4 is hereby set aside. Learned Court would provide the opportunity to the prosecution to tender the said witnesses in support of its case.

Having regard to the spirit of the order passed in CRM 10928 of 2020, the trial Court should complete the proceedings by August 31, 2022.

With the aforesaid observations, CRR 1075 of 2021 is disposed of.

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

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)