

CRR 2068 of 2019
(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 : Rajma Bibi

.....Petitioner

Mr. Dipendu Sarkar
Mr. Goutam Dey

.....for the Petitioner

Mr. S.G.Mukherjee, Ld. PP
Mr. Imran Ali
Ms. Debjani Sahu

...for the State

Report submitted by Mr. Imran Ali, learned advocate
appearing for the State, which has been prepared by the Officer-
in-Charge, Baduria Police Station, be kept with the record.

Record reflects that the next date is fixed on 19.4.2022 for
examination of the accused under Section 313 of the Code of
Criminal Procedure. On the basis of such report submitted by
the Officer-in-Charge, Baduria Police Station, it appears that the
evidence of the prosecution has been closed but there has been
no progress in the proceeding.

The present case under Section 376 of the Indian Penal
Code and the grievance which has been expressed before this
Court by the petitioner/defacto-complainant, is that the non-
examination of the charge-sheeted witnesses nos. 7, 8, 9 and 10
being Bijaya Bhattacharya (Nath), Medical Officer, Dipak Mitra,
other Medical officer, Anupam Sarkar, Recording Officer and
Mrinal Pal, Investigating Officer of the case would seriously
prejudice the merits of the case and as such for ends of justice

an opportunity must be granted for examination of the said witnesses.

Having regard to the stage, at which the present case is pending, I am of the opinion that by no means, the accused persons would suffer if the aforesaid charge-sheeted witnesses are examined by the learned Trial Court. However, as the charge-sheet was filed in the year 2012 and ten witnesses could not be examined in a span of ten years, I am of the opinion that a limited fixed schedule must be fixed for examination of such witnesses.

Accordingly, the learned Trial Court is directed to prepone the date so fixed for the purposes of trial of this case and take all efforts after issuing notice and ensuring the presence of the accused for the purposes of cross-examination for concluding the prosecution witnesses by 15th April, 2022.

The learned advocate for the State is directed to produce this order before the learned trial Court on or before 7th February, 2022 so that the learned trial Court would issue notice to the witnesses as also the accused on the proposed date.

Learned trial Court, on and from 14th February, 2022, would fix the date/schedule of the present case on each and every week until and unless the examination of all the aforesaid four witnesses are over.

Thereafter, in accordance with law, the learned trial Court would proceed with the examination of the accused persons under Section 313 of the Code of Criminal Procedure and will thereafter afford an opportunity to the defence to adduce evidence and proceed with the arguments of this case.

With the aforesaid observations, CRR 2068 of 2019 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)