

05.04.2022

Item No.70
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2399 of 2018

**Tarak Nath Pramanik
versus
Jadupati Dutta & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973 read with Article 227 of the Constitution of India.

Mr. Manas Kumar Barman,
Mr. Abhiraj Tarafdar ... For the Petitioner.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

The present revisional application has been preferred challenging the order dated 18.07.2018 passed by the learned Judicial Magistrate, 2nd Court, Sealdah rejecting the application under Section 311 of the Code of Criminal Procedure.

The records of the case reflect that due to personal grounds of the conducting lawyer, an adjournment was sought for which was refused by the learned trial court and date was fixed for examination of the accused under Section 313 of the Code of Criminal Procedure.

Mr. Barman, learned advocate appearing for the petitioner has placed the certified copy of the complaint case which reflects that in the month of January, 2022 also lastly it was fixed for examination of the accused under Section 313 of the Code of Criminal Procedure.

In view of the proceedings existing at the same stage, I direct that an opportunity must be given to the accused to cross-examine PW-1 (complainant). The said cross-examination of the complainant would be restricted to questions which would be filed before the learned trial court prior to issuance of process for the appearance of the said witness.

The learned trial court would allow only to the limited extent of asking the questions which have been already furnished to the court and no other tactics would be allowed to stretch the instant proceedings. Accordingly, within a month from date, the petitioner would file such questionnaire before the learned trial court. Learned trial court thereafter within a period of fortnight would fix a date for recall of PW-1 for the limited purpose of the cross-examination in respect of the questions/documents which are already in possession of the accused to be put in the cross-examination of the said witness and close the evidence of the said witness on the said date so fixed. Thereafter, the learned trial court would conduct the examination of the accused under Section 313 of the Code of Criminal Procedure and take the trial to its logical conclusion within a reasonable period of time.

With the aforesaid observations, the revisional application being CRR 2399 of 2018 is disposed of.

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)