

17.03. 2022
item No.36.
n.b.
ct. no. 34

CRR 3681 of 2019

**Debasish Ghosh @ Debasish Ghosh
Vs.
State of West Bengal & Anr.**

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
.....for the opposite party.

The present revisional application has been preferred against the judgment dated 30.09.2019 passed by the Learned Additional District & Sessions Judge, Fast Track, Chandernagore, Hooghly in Criminal Motion Case No.15/2008 under Sections 397/399 of the Criminal Procedure Code, 1973 wherein the present petitioner challenged the order passed by the Learned Additional Chief Judicial Magistrate, Chandannagore in C.R. Case No.156 of 2016 wherein the Learned Magistrate was pleased to refuse the application under Section 311 of the Code of Criminal Procedure. I have perused the application under Section 311 of the Code of Criminal Procedure wherein the prayer was advanced after the cross-examination of P.W. 1 was over. The foundation of such prayer is on the basis of certain documents, which were not made available to the accused at the time of cross-examination, and was available after the cross-examination was over. Since the issue for recalling is restricted on the points of certain documents, the complainant is not required to be recalled on such foundation. The accused will be at liberty to produce such documents which is in

his custody at the time of examination of defence witnesses. Since the application under Section 311 of the Code of Criminal Procedure lacks merits, no interference is called for regarding the order passed by the Learned Magistrate as well as the Learned Sessions Court in its judgment and order dated 30.09.2019.

Thus, CRR 3681 of 2019 is disposed of.

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

Interim order, if any, is hereby vacated.

Learned Trial Court is directed to expedite the progress of the trial preferably within a period of one year from the date of communication of this order.

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

(Tirthankar Ghosh, J.)