

18.11.2022
Item No.
BR

CRR 4221 of 2008

In the matter of : Ramesh Kumar Bhatia

Mr. Milon Mukherjee, Senior advocate,
Mr. S. Sarkar for the Petitioner

Challenging the order dated 28th September, 2008 in Sessions Case No. 5 of 2000 arose out of Tollygunge P.S. case No. 54 dated 20th February, 1997 under Sections 120B/467/468/471/477/420 of the Indian Penal Code, the accused person preferred this application .

Briefly stated in course of recording of evidence of PW 1 a question was put by learned Public Prosecutor representing the CBI as to how the offense was committed . Learned defense counsel raised his objection in writing. Learned trial Court disposed of the application by passing an order impugned which is otherwise speaking. Section 136 of the Evidence Act confers power upon learned trial Court to decide as to the admissibility of any evidence. Therefore, the impugned order cannot be said to have been passed illegally and it would amount to miscarriage of justice or abuse of process of law. That apart, the petitioner shall have the liberty to raise points in course of argument before the learned trial Court.

The revisional application, in my, opinion does not merit any consideration and stands dismissed, however without costs.

Interim order, if any, stand vacated.

Let a copy of the order be sent to the learned trial Court for information and necessary action. Applications, if any, stand disposed of.

All parties are to act on the server copy of this order duly downloaded.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Siddhartha Roy Chowdhury, J.)