

D/L100
09.02.2023
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C.R.R. 374 of 2023

In Re: An application under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure;

Nirmal Chandra Dey
Versus
The State of West Bengal and another

Mr. Ayan Bhattacharjee,
Mr. Soham De Dhara,
Mr. Sagnik Mukherjee,
Ms. Arunima Ghosh.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.
...for the State.

The application under Section 311 of the Code of Criminal Procedure was filed at the instance of the present petitioner for recalling the P.Ws. 1, 2 and 3 whose cross-examination could not be conducted at the instance of the petitioner and the learned trial court decided to close their evidence.

Records reflect that these witnesses were appearing since 2020 and there was at least five adjournments which was sought for at the instance of the present petitioner.

Without entering into the conduct which obviously is not acceptable but having regard to the larger interest particularly that the first three witnesses of the prosecution may be of much more importance so far as the merits of the case is concerned which may touch the liberty of the present petitioner at the end of the trial, I

grant a single opportunity to the petitioner to cross-examine P.Ws.1 to 3.

It has been informed that the next date is fixed on and from 16th April, 2023 to 18th April, 2023.

In view of the nature of progress of the case, I direct that the learned trial court would in the facts of the case allow these three witnesses to be cross-examined by allowing two days' time continuously prior to the Investigating Officer being in dock.

With the aforesaid observations, CRR 374 of 2023 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)