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21.04.2023
Bpg.

C.R.R.1761 of 2021
With
CRAN 1 of 2023

In Re: An application under Section 482 of the Code of Criminal
Procedure, 1973;

Ismail Ali
Versus
The State of West Bengal
With

C.R.R.575 of 2023

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

Sarbari Bordhon (nee Sarkar)
@ Sarbari Bardhan (nee Sarkar)
Versus
The State of West Bengal and others

Mr. Pronojit Roy.
...for the petitioner in CRR 1761 of 2021
and o.p no.2 in CRR575 of 2023.

Mr. Sourav Chatterjee,
Mr. Soumya Nag.
...for the petitioner in CRR 575 of 2023 and
applicant in CRAN 1 of 2023.

Mr. Rudradipta Nandy,
Mr. Md. Anwar Hossain,
Ms. Manisha Sharma.
...for the State in CRR 1761 of 2021.

Mr. Rudradipta Nandy,
Ms. Sreeparna Das.
...for the State in CRR 575 of 2023.

As the subject matter of CRAN 1 of 2023 filed in
connection with a dispute in the revisional application being CRR

1761 of 2021 and CRR 575 of 2023 involves the fate of the same trial being Sessions Case No.136 of 2013 pending before the learned Additional Sessions Judge, Fast Track Court-II, Raiganj, Uttar Dinajpur, both the revisional applications are taken up together and disposed of by a single order.

Pursuant to the order dated 10.04.2023, State has effected service upon five accused persons. In spite of service, four of the accused persons are unrepresented, the only representation is by the accused Ismail Ali before this Court. The documents relating to service being effected be kept with the record.

Mr. Nandy, learned advocate, appears on behalf of the State and submits that cross-examination of one of the Investigating Officers viz Atanu Chakraborty is in progress. The next date has been fixed on 24th April, 2023 when the cross-examination would continue. According to the State, another Investigating Officer viz Atanu Santra and two experts who have been cited as witnesses are left to be examined.

Having considered the subject matter of challenge before this Court in respect of the order dated 10.02.2023 passed by learned Additional Sessions Judge, Fast Track Court-II, Raiganj, Uttar Dinajpur in Sessions Case No.136 of 2013 is concerned, I find that the same was filed to address the grievance relating to non-examination of Atanu Chakraborty, one of the Investigating Officers being PW-35 as referred to in the order dated 10.02.2023. So far as the observations of learned sessions court is concerned for closing the said evidence of Atanu Chakraborty, PW-35, the said part of the

order is accordingly set aside.

Records reflect that the State preferred an application under Section 311 of Cr.P.C. for recalling the said witnesses. As the evidence of the said witnesses is in progress and cross-examination has been continuing for the last two days as submitted by the State, the said application under Section 311 of Cr.P.C. would be deemed to be allowed. The trial court is directed to take steps so that the evidence in relation to rest of the three witnesses are concluded as early as possible by regularly fixing dates in connection with Sessions Case No.136 of 2013.

No adjournment should be granted to either of the parties and any resolution of the local bar will not apply to the proceedings of the present case.

There was an earlier order to complete the trial passed in CRR 1761 of 2021, the same is modified to the extent that the evidence of all the witnesses must be completed by 10th May, 2023.

Mr. Nandy, learned advocate appearing for the State resists the fixation of the date for closure of prosecution evidence.

I find that there are 10 working days till 10th May, 2023. Learned trial court is directed to give a priority to the present sessions trial and deter unnecessary repeated questions from any of the parties for stretching the time beyond the said period. In case, the evidence for any reason is not concluded by 10th May, 2023, without closing the evidence, learned trial court would take steps so that by 15th May, 2023 the evidence is closed. Thereafter, learned trial court would proceed to the stage of Section 313 Cr.P.C., afford

reasonable opportunity to the defence for adducing its evidence and fix a convenient date for pronouncing its judgment.

With the aforesaid observations, CRR 575 of 2023 and the application being CRAN 1 of 2023 filed in connection with CRR 1761 of 2021 are 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.)