

01.02.2023
Item No.16
BR

CRR 852 of 2011

In the matter of : Krishna Bahadur Chhetri

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tioner

As usual none is found present for the petitioner.

This criminal revision is directed against the order passed by learned 3rd Court of Judicial Magistrate, Alipurduar in MR Case No. 90 of 2009.

Briefly stated in a proceeding under Section 125 of the Criminal Procedure Code the opposite party filed an application under Section 311 of the Code of Criminal Procedure Code seeking order to recall PW1 , who happens to be the petitioner in the said proceeding for further cross-examination. Learned trial Court after taking into consideration the fact that the PW 1 was cross-examined thoroughly , did not allow the prayer of the opposite party. Hence the application under consideration.

Section 311 of the Code of Criminal Procedure Code has conferred jurisdiction upon the Court only to invoke the said provision to secure ends of justice and

it cannot be treated as a prerogative of either of the parties to make the Court invoke the said provision. Therefore learned trial Court was absolutely justified in rejecting the application.

The criminal revision is bereft of any merit and is dismissed. Order of stay, if any stands vacated.

Copy of this order be sent down to the learned trial Court for information and necessary action.

Urgent certified copy ,if applied therefor, be supplied upon compliance of usual formalities.

(Siddhartha Roy Chowdhury, J.)