

05-12-2023
Subha
Item no. 79
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
CRR 1291 of 2023

Akash Mondal @ Kushal Mondal.
-versus-
The State of West Bengal & Anr.

Mr. Sukanta Chakraborty
Mr. Zubair Ahmed
....for the petitioner.

Mr. Mirza Firoz Ahmed Begg
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Mirza Firoz Ahmed Begg, learned advocate who usually appears on behalf of the State. His appearance may be regularized by the concerned authorities in due course.

Although the main contention in the revisional application relates to the rejection of the prayer of the learned special court of an application under Section 311 of the Code of Criminal Procedure, but I find that the main thrust of contention of the petitioner is for further cross-examination of the witnesses in respect of the answers which have been elicited in course of cross-examination. That is not a ground to invoke the provisions of Section 311 of the Code of Criminal Procedure.

Learned advocate emphasizes on the factum that there have been deviation in version of the victim and her father on the one hand while her mother has presented the case in a different manner. If the prosecution witnesses are not consistent in their deposition of evidence before the court, the same is to be assessed

at the end of the trial, not at this stage of the case.

Accordingly, the petitioner is granted liberty to take up the points, which have been canvassed in the application under Section 313 of the Code of Criminal Procedure, at the stage of defence evidence and at the stage of the final arguments of the case.

With the aforesaid observations, the revisional application being CRR 1291 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]