

06.07.2023

Item No.68
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1700 of 2023

In the matter of : **Nekbar Mir @ Nekbar Sekh** ... Petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Bitasok Banerjee,
Ms. Debamita Mukherjee ... For the Petitioner.

Mr. Bhattacharya, learned advocate appearing for the petitioner is aggrieved by the rejection in respect of tendering some of the defence witnesses. Learned advocate submits that the learned trial court only allowed two witnesses referred to in serial No.2 and serial No.6 of the list so provided by the defence to examine as witnesses. Learned advocate submits that there are cases, counter-cases and injury reports which cannot be produced by adducing proper evidence in this case. Learned trial court, in fact, has not taken into account the spirit of the answers in cross-examination.

In view of the accused/petitioner is feeling prejudiced in such circumstances, I direct that in case an application under Section 315 of the Code of Criminal Procedure is filed by the accused/petitioner, learned trial court would consider the same and allow the accused to present his version both by way of oral and documentary evidence. If the learned trial court thereafter feels by using its discretion would consider whether further examination of the witnesses is for securing the ends of justice or delaying the trial of the case.

With the aforesaid observations, the revisional application being CRR 1700 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)