

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 1771 of 2023

**Biplab Chettri
Vs.
The State of West Bengal & Anr.**

Ms. Diksha Ghosh
..for the petitioner

Item No. 38

Heard & Judgment on: 15.05.2023

Bibek Chaudhuri, J.

Though the learned advocate on record for the petitioner has repeatedly prayed for adjournment on the personal ground of Mr. Sabyasachi Banerjee, learned counsel as he is busy in some other Court, on perusal of the materials on record this Court is of the view that the instant revision can be disposed of here and now.

I have perused the order dated 29th April, 2023 passed by the learned trial Judge rejecting the application filed by the petitioner praying for deferring the examination of two witnesses after the

production of the accused. The learned trial Judge rejected the said application and proceeded to examine the said witnesses. The learned advocate on behalf of the accused/petitioner did not cross-examine the said witnesses. Amongst the said witnesses one is Assistant Director, Biology Division, Forensic Science Laboratory, Government of West Bengal.

I do not find any error in the impugned order. The learned advocate for the accused could have taken part in the trial by filing an application under Section 317 of the Code of Criminal Procedure. The case is pending in the trial Court since 2013. Therefore, I do not find any merit in the instant revision. However, if an application is filed on behalf of the accused for cross-examination of the said two witnesses, the trial Court shall deal with and dispose of the same in accordance with law keeping in mind that his right of defence may not be curtailed. However, no adjournment shall be sought for by the defence counsel during examination of the above named witnesses.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)