

12-07-2023
Subha
Item no. 14
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 1907 of 2023

Sri Uttam Ghosh
-versus-
State of West Bengal & Anr.

Mr. Dipanjan Chatterjee
Ms. Sananda Bhattacharya
....for the petitioner.

Mr. Arijit Ganguly
Mr. Koushik Kundu
....for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioner draws the attention of this court to the order dated 14.03.2023 wherein the learned trial court turned down the prayer of adjournment prayed for on behalf of the defence for cross-examining the prosecution witness no.3 which was on the ground that the senior advocate engaged has not come to the court on the said date.

The reasons assigned by the learned Assistant Sessions Judge was to the effect that the witness is an aged, ailing person with ejmatic problem and he has come after a long time and in case

he is not cross-examined on the said date there is every apprehension that he may not come on the said date. The ground reality is understood by the sessions court as it has a first hand experience of observing the witness and his physical deficiencies. It is very difficult for a higher forum to overcome such reasoning of the learned trial court. However, if the petitioners deposit a cost of Rs.50,000/-, the learned trial court will allow cross-examination of P.W.3. The amount so deposited may be used for convenience and conveyance of the said witness. If the amount is deposited, only on one occasion if possible the witness may be tendered for cross-examination. If the amount is not deposited, the order dated 14.03.2023 survives and the evidence of P.W.3 would be deemed to be closed.

With the aforesaid observations, CRR 1907 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.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

