

May 25, 2023
Sl. No. 10
Court No.6
s.biswas/TN

**In the High Court at Calcutta
Appellate Side
(Vacation Bench)**

CRR 1991 of 2023

Raju Sekh
Vs.
State of West Bengal

Mr. Kaustav Chatterjee

... for the petitioner

Mr. Swapan Banerjee, Ld. PP-in-charge,
Mr. Rudradipta Nandi,
Ms. Puspita Saha

...for the State

This application under Section 482 of the Code of Criminal Procedure has been filed being aggrieved by the order dated May 16, 2023 passed by the Court of the learned Additional Sessions Judge, Fast Track, Rampurhat, Birbhum in connection with Sessions Case No. 28 of 2011 arising out of G.R. Case No. 312 of 2010 corresponding to Murarai Police Station Case No. 85 of 2010 dated 14.04.2010 under Sections 147/148/149/341/324/326/302 of the Indian Penal Code and 9B of the IE Act, where the learned trial court disallowed the prayer for further cross-examination under Section 311 of the Code of Criminal Procedure, 1973 of prosecution witness nos. 1, 3, 14 and 17.

The learned Advocate for the petitioner submits that there has been a change in the Advocate representing the petitioner in the instant sessions case pending before the learned trial court and certain questions are required to be

put forth to the aforesaid prosecution witnesses for fair trial and proper adjudication.

The learned trial court in the impugned order mentioned that the P.W.1 was examined from 18.04.2011 to 19.04.2011, P.W. 3 was examined on 21.05.2011, P.W. 14 was examined on 07.02.2012 and P.W. 17 was examined on 13.02.2012.

A coordinate Bench of this court vide order dated 11.04.2023 had directed the learned Trial Judge to “positively hear out the argument and come to a logical conclusion of the case within one month from the date of communication of the order”.

It further appears that the prosecution witnesses had been examined and the petitioners were examined under Section 313 of the Code of Criminal Procedure and their statements were recorded. The learned trial court is to hear out both the parties in the stage of argument and dispose of the matter.

It further appears from the observations of the coordinate Bench of this court vide order dated 11.04.2023 that “subsequently, on the prayer of the defence the date of the argument was fixed on 2nd March, 2021. There are 22 accused persons. On each and every date some of the accused persons purposefully remained absent causing delay of hearing argument in spite of the fact that dates for hearing argument was fixed on 12.04.2021, 15.06.2021, 15.11.2021, 20.01.2022, 20.04.2022, 07.07.2022, 03.11.2022, 18.11.2022, 19.12.2022 and on 02.03.2023”.

It was further observed that “on all dates due to the absence of some of the accused persons the defence prayed for time and the learned Trial Judge went on adjourning the case mechanically”.

The conduct of the petitioners as aforesaid does not call for interference of this court which otherwise is a process to delay the adjudication of the Sessions Case No. 28 of 2011.

The instant revisional application, being CRR 1991 of 2023, is accordingly dismissed.

(Ananya Bandyopadhyay, J.)