

16-06-2023
Subha
Item no.37
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2861 of 2022

Md. Sajid and Ors.

-versus-

State of West Bengal

Mr. Pradyat Saha

.....for the petitioner.

Mr. S. G. Mukherji, Id. PP

Mr. Aniket Mitra

...for the State.

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

Learned advocate appearing for the petitioners do not canvass the points except the cost which was imposed by the learned trial court by its order dated 14th July, 2022 in connection with Sessions Case No. 52 of 2022 under Sections 302/201 of the Indian Penal Code.

I have considered the orders so passed. The spirit of the order dated 14.07.2022 reflects that the learned trial court on 14.07.22 called the sessions case no. 52 of 2022 thrice for examination of the PW-3 on behalf of the prosecution. The Public Prosecutor was also present. As such, the learned court subsequently was forced to close the cross-examination. Thereafter, the application was preferred for recalling the witness on the same day for cross-examination of said PW-3. The learned court was pleased to recall the witness by imposing a cost of Rs.5000/-. I am of the view that such order of the learned court which is the subject matter of challenge relating to the cost is not unjustified. However, as the accused persons at the relevant time was facing custody trial, I reduce the amount of the cost so imposed by the learned sessions court from Rs.5000/- to Rs.2500/- which is to be deposited within a period of

four weeks from date before the learned Additional Sessions Judge, Kalna in connection with Sessions Case No. 52 of 2022. No interference is required at this stage by this court.

With the aforesaid observations, the present revisional application being CRR 2861 of 2022 is disposed of.

Pending any other applications are 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]