

28.07.2023
Serial no. 57
[G.S.D]

CRR 2734 of 2023

In the matter of : Mohammad Wasim

... .. Petitioner

Mr. Moyukh Mukherjee
Mr. Manoj Kumar

... For the Petitioner

Mr. Anowar Hossain
Ms. Sreyashi Biswas

... for the State

The petitioner is directed to serve a copy of this revisional application upon Ms. Sreyashi Biswas, Learned Advocate, who ordinarily appears on behalf of the State. Her appearance may be regularised by the concerned authority.

Although the prayer so advanced is for quashing of the proceedings, but the grievance of the petitioner is that the complainant who is a Japanese origin had not appeared before this Court for the purposes of being examined as a witness.

Records reflect that the communication between the prosecution and the Ministry of Home Affairs, Government of India, is in progress.

Ms. Biswas, would instruct the Investigating Officer to submit a report on the next date or within a fortnight before the Learned Trial Court regarding the process of

communication with the Ministry of Home Affairs and the responses and reasons for the same being pending for a long time, if necessary.

Learned Trial Court would pass directions upon the concerned officer of the department to give their opinion, if required. The Ministry of Home Affairs or the Ministry of External Affairs would be entitled to make arrangements for virtual examinations of the witnesses concerned.

The Learned Trial Court would take into account all the options which have been given by this Court and pass its necessary direction on the next date so fixed for hearing before the Learned Trial Court.

No order need be passed for the present.

The Learned Trial Court would, in the circumstances, exercising its own discretion, and proceed with the trial of the case.

With the above observations, CRR 2734 of 2023 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)