

28-07-2023
Subha
Item no.60
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2737 of 2023

Bijoy Kumar Sharma
-versus-
Sk. Sirajuddin

Mr. Abhishek Banerjee
....for the petitioner.

The subject matter of the case relates to the order dated 12th July, 2023 wherein the learned trial court refused to allow the prayer of the defence for expert opinion in respect of signature of the accused on exhibit P-2. The learned trial court was of the opinion that the said application was a dilatory practice and as such closed the evidence of P.W.1 and fixed the next date for examination under Section 313 of the Code of Criminal Procedure.

Record of this revisional application reflects that the examination under Section 313 Cr.P.C was fixed on 6th July, 2023. The petitioner would be at liberty to adduce his evidence after examination under Section 313 Cr.P.C, when the petitioner would produce standard documents containing signatures and after prima facie satisfaction, the trial court will re-consider whether such opinion of the handwriting expert in respect of the agreement which is objected to by the accused should be taken into consideration or not. The proceedings have commenced in the year 2015 before the learned Magistrate and is still continuing. Having regard to the spirit of the legislation, the same should not be stretched any

further right now and the trial be allowed to be taken to its logical conclusion. Petitioner would be at liberty as stated above to take up the issue at the defence witness stage.

With the aforesaid observations, the revisional application being CRR 2737 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.

[Tirthankar Ghosh, J]