

**05.01.2023**

**Sl. No.: 4**

Court No.30

BM

**C.R.R 2383 of 2019**

**Smt. Malati Mahato**

**vs.**

**The State of West Bengal**

Mr. Kallol Guha thakurata

Mr. Md. Wasim Rahaman

... for the petitioner

Mr. Avishek Sinha

... for the State

Affidavit of service showing service upon the opposite parties has been filed.

Learned counsel for the State is present.

The present revision has been preferred challenging the order dated 17.04.2019 passed by the Learned Chief Judicial Magistrate, Purulia in G.R 1086 of 2011. The certified copy of the order has been placed before the court from which it is evident that the learned Magistrate gave an opportunity to the accused persons/petitioner herein to adduce defence witness since 22.01.2019 to 17.04.2019. The grievance of the petitioner is that the Magistrate initially passed an order granting an opportunity to the accused person for adducing further defence witness but on the same day after striking the order which this court finds has not been signed passed another order closing the evidence and fixing the date for examination of the accused under Section 313 of the Cr. P.C. The next date in the subsequent order also had been preponed. It is the submission of the learned counsel for the petitioner that if the petitioner/accused person are not allowed to adduce further

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evidence in the interest of justice there shall be a miscarriage of justice and as such the said order is liable to be set aside.

It is submitted by the learned counsel for the petitioner that the matter is pending and is fixed for argument.

Considering the materials on record, the order challenged and hearing the learned counsel for both sides this court for the interest of justice sets aside the order dated 17.04.2019 and directs the learned Magistrate to afford an opportunity to the accused persons to adduce further defence witness, if any. No adjournment other than on extremely urgent ground shall be granted to the parties.

The criminal revision is allowed and is hereby disposed of.

All connected application stands disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

Learned counsel for the State to inform the status of the case to the concerned authority.

All parties to act on the basis of server copy of this order downloaded from the official website of this Court.

**( Shampa Dutt (Paul), J.)**