

19.09.2023
Item no. 67
Ct.34
(Suvendu)

C.R.R. 3194 of 2022

In the matter of :- Sk. Nuruddin @ Nurul Alam & Ors.

... Petitioner

Mr. Kalidas Saha

...for the petitioner

Mr. Madhusudan Sur

.....for the State

The petitioner is directed to serve a copy of this revisional application upon Mr. Madhusudan Sur, learned advocate, who ordinarily appears on behalf of the State. His appearance may be regularized by the concerned authority

I find from the records of the case that Ratua Police Station Case No. 151 of 2010 has commenced on 13.05.2010 under the provisions of Sections 498A/302/34 of the Indian Penal Code.

The grievance of the petitioners relates to the order dated 12.07.2022. The issue which was canvassed therein is that the Postmortem Report was marked as exhibit but the doctor was not called for.

In view of the provisions of Section 293 of the Cr.P.C. in a Postmortem Report it is not necessary for calling the doctor as a witness.

However, if the petitioners intend to cross-examine the doctor, the petitioners have to give a set of question on the basis of which such witness can be recalled for cross-examination.

I have perused the application wherefrom it appears that there was no such question/questions was/were presented for being considered for taking evidence of the concerned doctor in accordance with the settled propositions of law in the case of *Raja Ram Yadav Vs. State of Bihar & Anr.*, (2013) 4 SCC 461.

Having regard to the manner in which the application has been preferred, I do not find any illegality in the order passed by the learned Trial Court.

Accordingly, CRR 3194 of 2022 is disposed of.

Pending connected application, if any, is also disposed of.

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

(Tirthankar Ghosh, J.)

