

21-08-2023
subha
Item no. 22
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2991 of 2023

Hatem Ali Mondal & Ors.
-versus-
The State of West Bengal.

Mr. Asimesh Goswami
Ms. Paulomi Banerjee
....for the petitioners.

Mr. S.G.Mukherji, ld. PP
Mr. Arijit Ganguly
Mr. Kaushik Kundu
...for the State.

Mr. Goswami, learned advocate for the petitioners has challenged the order dated 14th July, 2023 passed by the learned Additional Sessions Judge, Kalna, Purba Burdwan in connection with Sessions Case No. 95 of 2005.

Learned advocate has drawn the attention of this court to the order passed in CRR 796 of 2020. I find that the Mr. Mukherji, learned Public Prosecutor and Mr. Ganguly, learned advocate appeared on behalf of the State. Both of them are directed to represent the State in this matter.

Learned advocate for the petitioners has waived his right so far as the prayer relating to transfer is concerned and has further submitted that it was misdirection of the learned advocate for the purposes of praying for transfer.

Learned advocate prays for recalling of PW. 13 and PW 17 who are the two doctors who have been examined in connection

with this case as also the original post mortem reports for being produced before this court. The present trial relates to Monteswar P. S. Case No. 23 of 2002 under Sections 302/34 of the Indian Penal Code, more than 21 years have lapsed since the case commenced.

So far as the recalling of PW-13 and PW-17 is concerned, the prayer is refused. However, the learned trial court would issue directions upon the Superintendent of the Hospital of the concerned Kalna Hospital to make available the post mortem reports in its original form provided the same is available. For the same three days' time be granted. All assistance may be taken from the Inspector in Charge of Monteswar PS and/or superior officers. If the originals are traceable in that case automatically the same would be marked as exhibit under Section 294 of the Code of Criminal Procedure. The arguments would commence and by no stretch of imagination the case should proceed beyond 15th September, 2023. If there is a lapse or intentional delay on the part of the accused persons in that case if the case proceeds beyond 15th September, 2023, the bail of all the accused persons would be deemed to be cancelled and they will be taken into custody.

The conduct of the trial lawyer is not appreciated by this court. The trial court judgement would be spelt out by the same court who is in seisin of the matter. The learned Additional Sessions Judge, Kalna would implement the order by fixing such schedule as it deems fit and proper.

It has been informed that the next date is fixed on 24th

August, 2023. On and from 24th August, 2023, three days time is granted for the purposes of the document. Rest of the days till 15th September, 2023, if required, on each and every day a date be fixed for the purposes of this case.

With the aforesaid observations, the present criminal revisional application being CRR 2991 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]