

D/L22
06.09.2023
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C.R.R.3020 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Anwar Ali Mallick @ Anoyar Mallick
Versus
State of West Bengal and another

Ms. Anita Kaunda
Ms. Anubrata Dutta.
...for the petitioner.

Mr. Rudradipta Nandy
Mr. Iqbal Kabir.
...for the State.

Report submitted by Mr. Nandy, learned advocate appearing for the State be kept with the record.

The issue relates in connection with G.R. Case No.1539 of 2006 wherein two of the witnesses, namely, Dr. Rashmi Wighe and Manabendra Nath Roy were summoned. The said two witnesses were summoned but they did not turn up and their whereabouts are difficult to be traced. So far as the importance of Dr. Rashmi Wighe is concerned, she was associated with GlaxoSmithKline Company and Manabendra Nath Roy at the relevant period of time was the Additional Chief Secretary, Health and Family Welfare, Government of West Bengal.

In case of Dr. Rashmi Wighe the company presently may send any other representative in place of Dr. Rashmi Wighe and the court will accept the same as a witness for ascertaining the purpose for which the witness was cited for prosecution. Secondly, so far as the Additional Chief Secretary, Health and Family Welfare,

Government of West Bengal is concerned (Manabendra Nath Roy), an appropriate representative from the said department may be sent to the court with the file concerned which may serve the purpose of the case. Total omission of the two witnesses may be fatal to the prosecution case. The learned trial court would consider this aspect and accordingly issue summons upon the company and the respective department concerned.

Accordingly, the part of the order dated 17.06.2023 wherein these two witnesses are dropped is hereby set aside. Learned trial court is directed to abide by the aforesaid directions in accordance with law.

With the aforesaid observations, CRR 3020 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

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

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

(Tirthankar Ghosh, J.)