

22.08.2023
Item No.70
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3036 of 2023

In the matter of : **Pranay Khemka**

... Petitioner.

Mr. Pinak Kumar Mitra,
Mr. Neelesh Choudhury,
Ms. Anuradha Poddar

... For the Petitioner.

Ms. Sayanti Santra

... For the Opposite Party No.2.

The present case was initiated in the year 2016 and is pending for more than seven years. Records reflect that there was cross-examination on 08.03.2022, 03.11.2022 and 11.07.2023. Immediately after the cross-examination was closed, an application under Section 311 of the Code of Criminal Procedure was taken out.

The learned advocate appearing for the petitioner draws the attention of the Court to the application under Section 311 of the Code of Criminal Procedure wherein the petitioner intended to confront the witness with the manner of transaction, alleged loan, payment and repayment, certain claim of the complainant regarding service of notice and role of the accused persons.

Having regard to the issues which the petitioner intends to cross-examine by way of invoking the provision of Section 311 of the Code of Criminal Procedure, I am of the view that these are the issues which can also be brought in evidence by way of defence witness being put on dock. Having regard to the sufficient opportunity granted to the accused/petitioner in this case and the case pending for more

than seven years, I do not find any illegality in the order so passed by the learned trial court in its order dated 02.08.2023. The examination under Section 313 of the Code of Criminal Procedure has been stalled.

The learned trial court is directed to complete the examination under Section 313 of the Code of Criminal Procedure on the next date so fixed. The learned trial court would thereafter grant opportunity to the present petitioner to adduce his evidence before the court by way of defence witnesses.

With the aforesaid observations, the revisional application being CRR 3036 of 2023 is disposed of.

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

All concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)