

14.09.2023
Serial no. 1
[G.S.D]

CRR 3330 of 2023

In the matter of : Raju Roy @ Raju Ray

... .. Petitioners

Mr. Ayan Bhattacharjee
Mr. Ayan Basu
Mr. Shounak Mondal
Mr. Suman Majumder

... for the petitioner

Mr. S. G. Mukherjee
Mr. Imran Ali
Ms. Debjani Sahu

... for the State

Mr. Mukherjee, Learned Public Prosecutor appearing on behalf of the State, on instructions of the Investigating Officer, submits that some of the witnesses were closely knit to the deceased and rest of the witnesses for whom the defence prays for examination to be conducted in the manner under Section 231(2), may not be required.

I have considered the submissions of Mr. Bhattacharjee, learned advocate for the petitioner and Ld. Public Prosecutor and, on an assessment of the submissions advanced by both the parties, I direct that P.W. 1,2,5 and 7, are closely related to the deceased and, as such, they would fall within the ambit of Section 231(2) of the Cr.P.C.

Ld. Trial Court, accordingly, would allow the examination-in-chief and defer their cross-examination. Their cross-examination would be held, after the examination-in-chief of P.W.s 1, 2, 5 and 7 are completed.

So far as the other witnesses are concerned, the P.W.3, 4, 6 and 8, who have been cited by the prosecution, they would participate in the trial as normal witnesses, wherein after examination-in-chief, cross-examination would be conducted by the defence.

Accordingly, the order dated 27.7.2023 is set aside. The Learned Trial Court would follow the directions given above.

The revisional application being CRR 3330 of 2023 is partly allowed.

Pending application, if any, is consequently disposed of.

The investigating officer of the case is present. His further appearance is dispensed with.

Since the Sessions Trial case is of the year 2019, I direct that a schedule be fixed of four days and the Id. Trial Court would fix such schedule in every sixty days, so that the trial of the case can be taken to its logical conclusion within a reasonable period of time.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

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

(Tirthankar Ghosh, J.)