

21-08-2023
subha
Item no. 47
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 3700 of 2022

Shyamal Kuamar Ghosh
-versus-
The State of West Bengal & Ors.

Mr. Partha Chakraborty
Mr. Chayan Debnath
Mr. Arghya Mullick
....for the petitioner.

Mr. Rudradipta Nandy, Id. PP
Mr. Subroto Roy
...for the State.

Today an affidavit has been filed by Mr. Nandy, learned Additional Public Prosecutor appearing for the State which reflects that the medical officer who has been named as a witness is Dr. Dibyendu Roychowdhury and presently working as Associate Professor at Department of Pediatric, Kolkata Medical College.

Having regard to the two reports submitted by the Superintendent of Police of Barasat Police District, I direct on the basis of the information furnished by the learned advocate for the petitioner i.e., on 5th September, 2023 the next date has been fixed for final argument of the case.

Having regard to the prayer that the two Investigating Officers and the Medical Officer in this case have not been examined and the application under Section 311 of the Code of Criminal Procedure for recalling the said witnesses were rejected in

a case under Section 307 IPC, I direct that arrangements be made by the Superintendent of Police, Barasat Police District so that on 5th September, 2023 the Medical Officer be taken with due assistance and conveyance provided by the Superintendent of Police, Barasat Police District. The examination-in-chief and cross-examination of the Medical Officer be commenced on 5th September, 2023 and completed by 8th September, 2023. On 11th September, 2023 both the Investigating Officers should be present before the court. The examination-in-chief and the cross-examination of the Investigating Officers be concluded by 15th September, 2023. If required, the learned trial court would fix date for further examination under Section 313 Cr.PC, further DW, if any, and thereafter proceed to the final argument of the case.

The earlier order dated 26.08.2022 so far as it related to refusal regarding examination of the three witnesses are hereby set aside. Consequently, the revisional application being CRR 3700 of 2022 is allowed.

Both the reports submitted by the Superintendent of Police, Barasat Police District dated 7th August, 2023 and 16th August, 2023 be placed before the learned trial court immediately by the Investigating Officer through the Public Prosecutor conducting the case, preferably by 30th August, 2023.

With the aforesaid observations, the present criminal revisional application being CRR 3700 of 2022 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]