

CRR 3911 of 2022

In re : An application under Section 397 read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Md. Mubarak Warsi**

..... petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

.... For the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel

.... For the State

Mr. Prahladka, learned advocate appearing for the petitioner has prayed for consideration of the application under Section 311 of the Code of Criminal Procedure which was preferred and further supplementary affidavit which has been filed.

Memo of evidence has been submitted on behalf of the State which reflects that on the next date, i.e., 1st August, 2023, the prosecution would commence its final arguments.

Having considered the revisional application, the further supplementary affidavit and the stage of the case, I am not inclined to allow the prayer for recall for further examination so far the victim girl PW 1 is concerned.

As such, the prayer for recall of PW1 is rejected.

So far as the further cross-examination of Md. Ashif Reza (PW-6), learned advocate has restricted his prayer to two questions which are as follows:-

“1. By looking into the GD Entry No. 2613 dated 27.09.2016 at 08.30- a.m. of Karaya Police Station (Ext-D), can you tell whether it bears your signature?

2. Is it true that the Ext-D bears the signature of Naaz Warsi and it was written by you as stated by her?”

Learned trial Court before commencing the arguments would recall PW6 and allow the defence to ask the aforesaid two questions to the concerned witness. Thereafter, the learned trial Court would proceed with the final arguments of the case.

With the aforesaid observations, the revisional application being CRR 3911 of 2022 is disposed of.

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

The learned Trial Court would act on the serve 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 requisition formalities.

(Tirthankar Ghosh, J.)