

14-09-2023
Subha
Item no.24
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4254 of 2022

Bipul Chandra Halder @ Bipul Halder
-versus-
The State of West Bengal

Mr. Sumanta Chakraborty
.....for the petitioner.

Mr. Arijit Ganguly
Mr. Koushik Kundu
...for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate, who ordinarily appears before this court. His appearance may be regularized by the concerned authorities in due course.

Mr. Chakraborty, learned advocate appearing for the petitioner has challenged the order dated 11th August, 2022 passed by the learned Additional Sessions Judge, 3rd court, Barasat.

I find that the Sessions Trial is of the year 2016 relating to a police station case of the year 2009, more than 14 years have passed since the initiation of the case.

Learned advocate draws the attention of this court to the application under Section 311 of Code of Criminal Procedure, which has been filed for recalling the Investigating Officer of the case.

I have perused the contents of the application under Section 311 of the Code of Criminal Procedure wherein only a phraseology has been used that “for taking contradiction of the PWs”, the

Investigating Officer is required to be recalled. Such contention is too vague for recalling a particular witness when the trial has been pending for the last 14 years.

Learned advocate has also drawn the attention of this court that previously a bailable warrant of arrest was issued in respect of another witness but the said witness was never produced before the court and the same has prejudiced the petitioner. The remedy lies in law in respect of the said witnesses concerned, the petitioner would exhaust the statutory remedies. So far as the present application is concerned, I am not inclined to interfere with the orders passed by the learned Sessions Court/Trial Court.

Accordingly, the revisional application being CRR 4254 of 2022 is dismissed.

Pending applications, if any are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

