

15.05.2024
Serial no. 36
[G.S.D]

CRR 47 of 2023

In the matter of : Sudhangsu Sekhar Das

... .. Petitioners

Mr. G. C. Baidya

... for the petitioners

Mr. Debasish Roy

Mr. Arijit Ganguly

Ms. Sujata Das

... for the State

Report submitted by the State be kept with the record.

The report reflects that the witnesses were regularly summoned but they did not appear before the court. On 13.3.23, CSW1, namely, Soma Das, was examined-in-chief but cross-examination was done in part and next date was fixed on 15th of May, 2024.

Having considered that the case was instituted in the year 2015, charge was framed on 12th of July, 2016 and the Id. Court, since July, 2016, has been regularly issuing summons for appearance of the witnesses, I direct that, in case, the cross-examination of CSW1 is not completed by 31st of July, 2024, in that case, the Id. Magistrate would exercise his discretion as to whether the evidence of the said witness is required or not.

So far as the rest of the witnesses are concerned, the Id. Magistrate would fix one date in every 45 days and grant liberty to the witnesses to appear before the court on two dates. The accused/petitioner would continue with the cross-examination and will not defer the cross-examination on any lame excuse.

In case, there is non-availability of the witnesses, in that case, the inspector in charge of Sonarpur P.S. would be issued notice, who would communicate and ensure regarding the availability of the witnesses and/or submit a report regarding the reasons for non-availability of the witnesses.

The Id. trial court would ensure that the prosecution witnesses are completed by 31st of December, 2025, thereafter, the Id. trial court would proceed with the case and pronounce its verdict within a reasonable period of time.

With the aforesaid observations, CRR 47 of 2023 is disposed of.

Pending application, if any, is also disposed of.

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