

M/L75
04.03.2024
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C.R.R.772 of 2023

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1972;

Rasida Khatoon @ Rasida Khatun
Versus
The State of West Bengal and another

Mr. Amitrabata Hait
Mr. Suman Majumder.
...for the petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Pramanick.
...for the State.

The revisional application was preferred in the year 2023 and on 19th September, 2023 an accommodation was prayed for on behalf of the petitioner. Direction was passed to serve upon Mr. Sur, learned advocate appearing on behalf of the State. The same has not been complied with. I have checked the certified copy which has been enclosed along with the revisional application.

Records reflect that the subject matter of the case relates to a proceeding under Section 302 of the Indian Penal Code amongst others and the case was registered for investigation in the year 2003. Subsequently, the sessions trial commenced in the year 2007. The petitioner preferred this application for non-examination of the charge-sheet witnesses nos.8, 16, 17 and 18 by the prosecution itself and alleged for concealing material facts. The said order passed was on 1st February, 2023 by the learned Additional

Sessions Judge, 2nd Fast Track Court, Hooghly Sadar. The contents of the said order reflect that already argument of the case was concluded on behalf of the prosecution and it was left for the accused to conduct the final arguments of the case.

Having considered the fact that 21 years have passed since the alleged offence took place and more than one year has passed since date was fixed for final arguments by defence and that the accused cannot dictate the terms on which the prosecution would record its evidence, the findings of the learned trial court, i.e. learned Additional Sessions Judge, 2nd Fast Track Court, Hooghly Sadar do not call for any interference.

Accordingly, CRR 772 of 2023 is dismissed.

If till date the verdict has not been pronounced the learned trial court will pronounce the verdict within a month from the date of communication of this order.

Department is directed to communicate this order to the learned trial court.

Pending connected application, if any, is consequently dismissed.

All parties shall act on the server 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 of all requisite formalities.

(Tirthankar Ghosh, J.)

