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CRR 1940 of 2024

In Re : Dulal Mondal

... Petitioner.

**Mr. Navanil De
Mr. Subhajit De
Ms. Monami Mukherjee
.... For the Petitioner**

**Mr. Debasish Roy
Mr. Saryati Dutta
Mr. Asif Dewan
.... For the State**

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order of the learned Additional Sessions Judge, Haldia, Purba Mildnapore dated 12th April, 2024 whereby the learned Judge closed the evidence of the petitioner and fixed date for hearing argument.

It appears that on prayer of the petitioner, I.C., Tamluk Police Station was directed to send the original/attested copy of the relevant page of the UD case register wherefrom it could be ascertained that on 1st April, 2012 Tamluk P.S. UD case no. 132/2022 was registered on the basis of written information of the Ward Master, District Hospital, Tamluk, vide order passed on 20th March, 2024 in ST-02(07)2014. It appears from the order dated 3rd April, 2024 that the earlier order was complied with. By an order passed on 3rd April, 2024, learned trial Court

again directed the I.C., Tamluk police station to send the original/attested copy of the written information of the Ward Master, District Hospital, Tamluk on the basis of which Tamluk PS UD case no. 132/2012 dated 1st April, 2012 was registered. The order dated 12th April, 2024 records that report was submitted by the I.C. Tamluk police station stating that relevant records could not be found despite thorough search.

Learned counsel for the petitioner submits that in absence of the said records, the petitioner is not in a position to examine his witness in the learned trial Court.

Since the petitioner intends to examine defence witness to rebut the allegations made against him in the FIR, such opportunity be granted to the petitioner in the interest of justice. The portion of the order impugned dated 12th April, 2024 rejecting the prayer of the petitioner for adducing evidence and fixing the matter for hearing of argument is expunged/set aside. Learned trial Court shall fix a date for the petitioner to examine witness/witnesses and such examination shall be concluded within 30th August, 2024. Learned Court may grant as many dates as he would think fit without extending the outer time limit fixed by this Court. The I.C., Tamluk P.S. is directed to produce the relevant records before the learned trial Court on the first date of evidence fixed before the learned trial Court. In the event the I.C. is not able to produce the same, he shall submit a reasonable explanation for the same before the learned trial Court. In no case shall evidence of the petitioner be deferred on such ground.

The revisional application being CRR 1940 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)