

CRR No. 2150 of 2024

In the matter of : Asit Gorain & Ors. petitioners.

Mr. Aritra Bhattacharya
Mr. Dilip Mukherjee ...for the petitioners.

Mr. Debasish Roy
Mr. Arijit Ganguly
Ms. Sreemoyi Roy ...for the State.

Report submitted by the State is taken on record.

The petitioners are in custody since 2019 and are aggrieved by the order passed by the learned Additional Sessions Judge, 1st Court, Purulia on 29th February, 2024 in Sessions Case No.50 of 2020.

It appears that the petitioners have been facing trial and twenty witnesses have been examined. The trial is on the verge of conclusion.

In the meantime, co-accused Tushar Mahato who was absconding has been arrested and charge has been framed against him.

The petitioners sought split up of trial before the learned Trial Court on the ground that there has to be a de novo trial in respect of the co-accused Tushar Mahato which will take sufficient time.

The learned Trial Court has turned down the prayer of the petitioners only on the ground that the petition is

premature and there is every possibility of conflict of decisions if the trial is split up.

The petitioners are in custody and trial is on the verge of conclusion upon examination of as many as twenty witnesses.

Learned counsel for the State submits that charge has been framed against accused Tushar Mahato and a de novo trial is required insofar as Tushar Mahato is concerned, which means that the twenty witnesses have to be recalled for cross-examination on behalf of the said accused. Such examination is bound to take considerable time.

Since the petitioners are in custody for quite some time, the learned Trial Court is directed to split up trial of the petitioners and conclude the same in accordance with law without waiting for the evidence to be led in respect of Tushar Mahato.

The case is to be decided on the incriminating material which has transpired/shall transpire against each of the petitioners/accused individually and the question of conflict of decisions does not arise.

In view of the above, the order impugned dated 29th February, 2024 passed by the learned Additional Sessions Judge, 1st Court, Purulia be quashed. The learned Trial Court is directed to split up trial in respect of the

petitioners and Tushar Mahato and conclude the same in accordance with law.

The revisional application being CRR 2150 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.)