

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

CRR 1933 of 2015

Central Bureau of Investigation
Vs.
Aloke Maity

Mrs. Chandreyi Alam
Ms. Runu Mukherjee
... For the petitioner/CBI

Mr. Debjyoti Maity
... For the opposite party

1. This revisional application was filed assailing the order dated 23rd April, 2014 whereby the learned Additional Chief Judicial Magistrate-II, Haldia refused the application filed on behalf of the Central Bureau of Investigation (for short, CBI) to adduce further evidence within the meaning of Section 311 of the Code of Criminal Procedure.

2. Learned advocate appearing on behalf of the petitioner/CBI has submitted that on behalf of CBI, one application was filed before the learned Magistrate for examining the rest 15 witnesses but the learned Magistrate refused the application as evidence on behalf of the prosecution was closed on 13th September, 2011 and earlier application for examining rest witnesses was refused by the Court which was assailed before this Court in connection with CRR 631 of 2012 wherein a co-ordinate Bench passed an order on 25th November, 2011 directing the prosecution to examine all the witnesses within a period of six months.

3. Learned advocate appearing on behalf of the opposite party has submitted that the petitioner/CBI earlier filed one revisional application before this Court and an opportunity was given to the petitioner/CBI to conclude the evidence within a period of six months but again the petitioner/CBI sought for accommodation to examine further witnesses beyond the period of six months and that was rightly refused by the learned Additional Judicial Magistrate-II, Haldia.

4. In course of hearing, learned advocate appearing on behalf of the petitioner/CBI has submitted that at this stage only 11 witnesses are required to be examined on behalf of the petitioner/CBI to conclude this case which involves huge amount of money on account of forgery.

5. Considering all facts and circumstances, particularly, keeping an eye on the principle of 'ends of justice', I am of the opinion that a final opportunity should be given to the petitioner/CBI to conclude the evidence within a short span of time as this case is pending since 1991.

6. Petitioner/CBI is directed to examine all the 11 witnesses within six weeks from date.

7. Learned Magistrate is requested to conclude the evidence by fixing consecutive dates, if possible.

8. I make it clear that recording of evidence shall be concluded within six weeks from date and the learned Magistrate

is also requested to dispose of the case preferably within two weeks thereafter.

9. All parties shall co-operate the learned Magistrate in disposing the case within the specified time mentioned above.

10. With the aforesaid observation and direction, the instant revisional application stands disposed of.

11. Connected application, if any, also stands disposed of.

12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

13. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)