

08.01.2024

89

SR

CRR 3339 of 2011

In the matter of : Samar Mondal

.... petitioner.

The instant criminal revisional application is pending since 2011 and as such, required to be disposed of.

None appears for the parties.

The instant revisional application had been filed against an order dated 07.01.2011 passed by the learned Judicial Magistrate, 2nd Court, Berhampore, Murshidabad in G.R. Case No.1294 of 1999, *inter alia*, stating that on 7th January, 2011 on the day of pronouncement of the judgment, the learned trial Court had deferred such pronouncement with an observation that *"I am of the opinion that before forming any decision regarding guilt of the accused persons marital status of the de-facto complainant is required to be ascertained. Any adverse order will have direct impact on the social status of the said complainant. Hence, all necessary evidence in connection with marriage is requited to be brought on record. Let PW 1 be recalled so she can be examined under Section 311 of the Criminal Procedure Code on the point of proper names, addresses and other details of the said 'napit, purohit' other important persons who were present at the ceremony (as claimed). To 12-08-2011 for evidence of P.W. 1 (on recall). Issue summons B.C.II is directed to comply with the record"*.

Section 311 of the Criminal Procedure Code reads as follows: -

“311. Power to summon material witness, or examine person present. – Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case.”

In the instant case, the learned trial court prior to pronouncement of the judgement felt it necessary to recall the victim on the grounds mentioned in the order for adjudicating the issue in question and for its conclusive determination. It appears that the learned trial court in its discretion in order to exercise its judicial function has sought for further explanation and as such, there is no impropriety or illegality in the impugned order.

Under such circumstances, the instant revisional application being CRR 3339 of 2011 is dismissed.

The learned trial court is at liberty to proceed with the hearing of the matter and to conclude the same within a period of three months from the date of communication of this order.

Copy of the order be sent to the trial court for immediate compliance.

(Ananya Bandyopadhyay, J.)