

06.03.2024
Serial no. 114
[G.S.D]

CRR 3475 of 2023

With
CRAN 1 of 2024

In the matter of : Korban mallick @ Qurban Mallick
... .. Petitioners

Mr. Ranjit Kumar Ray
Ms. J. Ara

... for the petitioners

Supplementary Affidavit filed by the petitioner be kept with the record.

The enclosures to the supplementary affidavit reflects that an application under section 311 of the cr.p.c. was filed for exhibiting six documents.

This revisional application has been filed challenging the rejection of such application under section 311 of the cr.p.c. in respect of a case which was initiated in the year 2012.

The records of the case reflect that such application under section 311 of the cr.p.c. was filed after the date was fixed under section 313 of the cr.p.c.

The records of the case also reflect that the prosecution witness for whom the recalling has been prayed for was examined in the year 2014.

Having regard to the fact that the cross-examination of all the witnesses are over and, at this stage, the prosecution intends to produce six numbers of documents, I am of the view the same would be for filling up the lacunae of the case.

There may be cases where in a stray manner one or two documents are not produced in evidence. By way of Section 311 of the cr.p.c., the prosecution in each and every case cannot be allowed to reopen the case from the inception.

I do not find any merits in the prayers so advanced in the present revisional application.

With the aforesaid observations, CRR 3475 of 2023 is dismissed.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)