

08.02.2024
Serial no. 6
[G.S.D]

CRR 4079 of 2023

In the matter of : Aman Paswan

... .. Petitioner

Mr. Rajiv Lochan
Mr. Krishna Deo Das

... for the petitioner

Ld. advocate appearing for the petitioner has drawn the attention of the court to the order dated 30th June, 2023.

I find from the order dated 30th June, 2023 that as many as nine defence witnesses have been examined. Ld. advocate submits that the medical document which was produced before the court was forged.

Ld. advocate further submits that he advanced prayer for recalling the witnesses which included the investigating officer namely, Swatilekha Dinda, medical officer namely, Dr. M. M. Koley and Id. JM namely, Shabana Parveen.

The case was initiated in the year 2015. The defence examined as many as nine witnesses. The witnesses who are tried to be recalled are on the basis and on the ground that the earlier lawyer did not effectively take up the issues in course of the cross-examination.

Emphasis has been laid on the basis of the medical document which has been marked as an exhibit and

repeatedly the Id. lawyer has submitted that the doctor has acted like an investigating officer by recording the confession and, in fact, the investigating officer's signature is also appearing in the medical report.

These are the issues of arguments.

If the document is forged, there are other remedies under the law to be invoked. The finality in the trial cannot be hauled up until and unless there are grounds on which prejudice in respect of whole of the proceedings are caused. The issues were also considered by a Co-ordinate Bench in a different forum which was disposed of on 6.5.2022 in CRR 2567 of 2021.

At this final stage, I do not intend to reopen the issues as that would be an unending way of dragging the trial.

With the aforesaid observations, CRR 4079 of 2023 is disposed of.

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.

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

(Tirthankar Ghosh, J.)