

21.03.2024
Serial no. 25
[G.S.D]

CRR 4134 of 2023

In the matter of : Tanmoy Saha @ Amar Saha

... .. Petitioners

Mr. Kaushik Choudhury

... for the petitioners

Ms. Sujata Das

... for the State

Ld. Advocate for the State has submitted a report, which may be kept with the record.

The report reflects that P.W.4 (Pappu Sherpa) and P.W.5 (Baban Das) are available. The investigation officer has retired but is also available.

The purpose for which the present revisional application has been preferred is for cross-examination of P.W.4 and P.W.5.

The case is of the year 2001 and these witnesses being P.W.4 and P.W.5 were examined in the year 2014. It is almost ten years since the witnesses have been examined in connection with the instant case.

Having considered the difficulties which will be faced by the prosecution on such application for recalling and balancing the same with prejudice which may be caused to the accused, I direct that in case the petitioner appears

before the next date so fixed and deposits an amount of Rs.25,000/- as cost, the Id. Trial court would recall the P.W.4 and P.W.5 on a single date for cross-examination. Thereafter, a date be fixed for examination of the investigating officer of the case who, according to the report, is available but is under treatment.

The Sub-Inspector of Police namely, Bimal Satiar, will make communication and arrangements with any of the superior officer of police of the concerned district so that whole of the process is smoothly conducted pursuant to the directions passed by the Id. Trial court.

All efforts be taken so that the evidence of the prosecution is concluded by 31st of July, 2024. The Id. Trial court would thereafter proceed for examination of the accused under section 313 of the cr.p.c. and, thereafter, give opportunity for defence evidence and pronounce its verdict by 30th of November, 2024.

With the aforesaid observations, CRR 4134 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.

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.)