

01.05.2024
Serial no. 75
[G.S.D]

CRR 4596 of 2023

In the matter of : Abdul Aziz Molla

... .. Petitioner

Mr. Sanjib K. Mukhopadhyay

Mr. Apurba Bhattacharya

... for the petitioners

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

The Supplementary Affidavit is enclosed with the evidence of the medical officer namely, Dr. Bipul Kanti Sikhdar, who was examined as witness no.5 on behalf of the prosecution.

The deposition reflects that after the examination in chief, the cross-examination was declined and an application under section 311 of the cr.p.c. was preferred on the date so fixed for hearing of the final arguments of the case.

The Id. trial court considered the application under section 311 of the cr.p.c. and by an order dated 23rd August, 2023 dismissed the same.

I have considered the application under section 311 of the cr.p.c. which was preferred by the petitioner before the Id. trial court, but, I do not find that there may be a

specific issue which the Id. lawyer canvassed, which may result in miscarriage of justice.

I have also applied my mind to the examination in chief of P.W.5 and, on an appreciation of the same, I am of the opinion that there was no illegality in the Id. trial court refusing such prayer to further examine or recall P.W.5 for the ends of justice.

The case was registered in the year 2014. More than nine and half years have passed since then. Sessions Trial is of the year 2017.

Under such circumstances, I am of the view that further delay may result in unnecessarily recalling the witnesses without any substantive reason being assigned by the accused/petitioner. Thus, no interference is made in the order dated 23.8.2023 passed by the Id. Addl. Sessions Judge, FTC, 8th, Alipore in ST No. 02(04)/2017.

The Id. trial court is directed to proceed with the arguments of the case and dispose of the same at the earliest.

With the aforesaid observations, CRR 4596 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.)