

07.02.2024
Serial no. 148
[G.S.D]

CRR 4748 of 2022

In the matter of : Milan Chakraborty

... .. Petitioner

Mr. Sayan De
Mr. Sanyan Kanjilal

... for the petitioner

Mr. Arijit Ganguly
Mr. Sanjit Kr. Dan

... for the State

Report submitted by the Id. advocate for the State
be kept with the record.

The records reflect that opportunities were granted
to the petitioner for cross-examination of P.W.1. However, in
a designed manner the cross-examination of P.W.1 was not
done.

I have perused the report submitted and I do not
find any illegality in the order passed by the Id. trial court as
the case was attempted to be dragged at the instance of the
accused. However, the ends of justice being much more
higher and the witness whose examination has been closed
by the Id. trial court is the most vital witness.

Accordingly, I am of the view that at least one
further opportunity should be granted to the petitioner to
cross-examine the said witness.

Under the given set of circumstances and on scrutiny of the conduct of the present petitioner, I am of the view that cost of Rs.10,000/- is to be imposed for adopting the method of dilatory tactics to hinder the smooth progress of the case.

In view of the aforesaid, I direct that after the next date, which was fixed by the Id. trial court, the trial court would fix two dates for cross-examination of P.W.1 and will not stretch the time period until the court on its own feels that for reasons beyond its control, the time period should be extended.

Accordingly, the order dated 1st November, 2022 is set aside to the limited extent of allowing the p.w.1 to be cross-examined as directed above.

The cost so imposed is to be deposited with the State Legal Services Authority and the receipt of the same be produced before the Id. trial court prior to the next date so fixed therein.

With the aforesaid observations, CRR 4748 of 2022 is **party allowed**.

Pending application, if any, is also disposed of.

Report so submitted by kept with the record.

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.)