

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.15 of 2025

Sri Ratan Debbarma, aged about 47 years, son of late Parshuram Debbarma,
resident of Mudibari, P.O.+P.S. Khowai, District- Khowai, Tripura

.....Petitioner(s);

Versus

The State of Tripura

.....Respondent(s).

For Petitioner(s) : Mr. Sankar Lodh, Advocate.

For Respondent(s) : Mr. Rajib Saha, Addl. Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

16/04/2025

Heard Mr. Sankar Lodh, learned counsel for the petitioner and Mr. Rajib Saha, learned Additional Public Prosecutor for the respondent-State.

2. Learned counsel for the petitioner submits that by the impugned order dated 18.01.2025, the learned Trial Court of Additional Sessions Judge, Khowai Tripura has, in case No. S.T (T-1) 33 of 2019, closed the prosecution evidence on failure of the prosecution to produce PW 10 for re-cross-examination as per order dated 21.05.2024. The case of the accused petitioner would get prejudiced for no fault of his. It is submitted that the case is at the stage of arguments. If one opportunity is given for production of PW 10 for re-cross-examination, the defense side would conclude the cross-examination on the same date.

3. Learned Additional Public Prosecutor Mr. Rajib Saha does not dispute that as a matter of fact as per order dated 21.05.2024 and the order dated 09.12.2024, PW 10 was directed to be produced for re-cross-examination, but on the fateful day i.e. 18.01.2025, the prosecution failed to produce PW 10.

As a result, the prosecution evidence was closed vide impugned order dated 18.01.2025.

4. Having considered the submission of learned counsel for the parties, this Court is of the view that if the production of PW 10 for re-cross-examination by the accused could not be undertaken due to failure of the prosecution to produce PW 10 on the assigned date, the accused petitioner would not get any chance to cross-examine PW 10 for no fault of his. It is reported that the case is fixed for arguments on 29.04.2025. In that case, prosecution should produce PW 10 for re-cross-examination by the accused. The cross-examination of PW 10 should be concluded on the same date. Thereafter, the trial would progress for arguments.

5. The impugned order dated 18.01.2025 is interfered with in the aforesaid manner. The instant criminal petition is disposed of.

6. Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH), CJ

Pijush/

MUNNA SAHA
Digitally signed by MUNNA
SAHA
Date: 2025.04.17 15:19:17
+05'30'