

HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

CRR 2322 of 2025

Raju Kumar Shaw

versus

The State of West Bengal

For the Petitioner

Mr. Sandip Kumar Bhattacharya

Mr. Dipta Dipak Banerjee

Mr. Ishwar Aditya

Ms. Srijita Dhar

Ms. Srilekha Dhar

For the opposite party

Mr. Rudradipta Nandy, ld. APP

Ms. Eshita Dutta

Last heard on

30.06.2025

Judgment on

30.06.2025

JAY SENGUPTA, J:

Learned counsel appearing on behalf of the petitioner
submits as follows. The petitioner is an accused in S.T. 10 of

2018 and is facing trial in S.T. 10 of 2018 pending before the learned Additional Sessions Judge, Fast Track Court, Chandannagar at Hooghly. An erstwhile Advocate conducting the trial on behalf of the present petitioner did not cross-examine certain witnesses properly. No relevant questions pertaining to the role of the witness was asked. In fact, there was a single question asked to P.W. 24. This prompted the petitioner to change his advocate. In the interest of justice, the petitioner may be granted an opportunity to cross-examine PWs 1, 2 and 24 again. The next date for hearing before the trial Court is 30.06.2025.

Learned Additional Public Prosecutor representing the State strongly opposes the prayer of the petitioner. He submits that taking advantage of the pendency of trial for a length of time, the petitioner moved the Division Bench of this Court praying for bail. However, the same was turned down by an order dated 04.03.2025 in CRM (DB) 166 of 2025. In any event, the petitioner cannot have an indefeasible right to pray for further opportunity of cross-examining prosecution witness on the alleged ground that his lawyer was not good.

It is true that simply because the questions asked in cross-examination by the learned counsel for the present petitioner/accused were not to his satisfaction, he cannot be

granted an opportunity of further cross-examining the witnesses.

However, a trial is going on, *inter alia*, on a charge under Section 302 of the Penal Code. It appears that the questions asked to alleged eyewitness on behalf of the present petitioner did not possibly cover all the points. In fact, so far as the PW 24 is concerned, there was a single question asked in cross-examination.

In view of the above, but also considering the fact that the trial is pending for long and the petitioner had allegedly tried to take advantage of pendency of the trial in praying for bail, the petitioner is granted an opportunity to further cross-examine PWs 1, 2 and 24, but for a single day.

In view of the above, within ten days from the next date of hearing i.e., 30.06.2025, the learned trial Court is requested to fix a single day for cross-examination of PWs 1, 2 and 24 by the petitioner. Appropriate notices shall be sent in this regard in time.

The prosecution shall co-operate fully with the trial Court in this regard.

In the event, the doctor is not available in town, he may be cross-examined virtually. Necessary steps be taken in this regard.

With these observations and directions, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

12/SG