

**CRR 3220 of 2024**

Swapan Ghosh  
Vs.  
The State of West Bengal

Adv. Sonali Das,  
Adv. Samrat Chowdhury,

...for the petitioner.

Adv. Debasish Roy, Ld. PP.,  
Adv. Shaila Afrin,  
Adv. Kaustav Banerjee,

...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 19<sup>th</sup> June, 2024 passed by the learned Additional Sessions Judge Ghatal, Paschim Medinipur in Sessions case no.03/July/23 turning down his prayer for further cross-examination of PW 1 on recall.

Placing reliance on the authorities in 1999 Cal CriLR 489 and 2008 SCC OnLine Cal 74, learned counsel for the petitioner submits that further cross-examination of PW 1 on recall is necessary to arrive at a just decision of the case and no schedule of questions intended to be put to the witness is required to be stated in the application seeking cross-examination.

As enumerated in Section 138 of the Evidence Act, the examination and cross-examination must relate to relevant facts but cross-examination need not be confined to the facts to which the witness testifies on his examination in chief.

In the application filed by the petitioner for further cross-examination of PW 1 on recall, it is only stated that a few relevant questions need to be put to the witness which is absolutely

necessary for the just decision of the case and also to evaluate the substantive evidence of PW 1. The application also points out that there are contradictions between the statement of PW 1 made before the Court and his version in the FIR which require cross-examination. The application is vague and generic in nature and does not disclose the purpose of further cross-examination or how such cross-examination shall help in arriving at a just decision in the matter. The only plea taken by the petitioner in the application is sheer inadvertence.

In the order impugned, the learned trial Court has dealt with the issue in detail and has passed a reasoned order upon consideration of the facts as well as the law on the point. The learned trial Court has rightly held that the application is vague and silent as to how the proposed recall is essential for a just decision of the case.

Learned counsel submits that the statement made by PW 1 in his evidence is contradictory to his averment in the FIR. Since such contradiction is already on record as reflected from the examination in chief of PW 1, the same may be pointed out by the petitioner during argument and further cross-examination on this point is not required.

Upon consideration of the application under Section 311 of the Code of Criminal Procedure as well as the order impugned, this Court is of the view that the order impugned has taken into consideration the facts as well as the law on the point and there is no illegality and irregularity in the order that requires interference by this Court.

The revisional application being devoid of any merit and is liable to be dismissed.

CRR 3220 of 2024 is dismissed.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**