

30.01.2025
rc/ct.no.34
Item No.11+12

**CRR No. 3308 of 2024
with
CRAN No. 3 of 2025
Manoj Kumar Agarwal
Versus
M/s Kox Hosiery Pvt. Ltd.
and
CRR No. 3309 of 2024
with
CRAN No. 3 of 2025
Manoj Kumar Agarwal
Versus
M/s Kox Hosiery Pvt. Ltd.**

Ms. Priyanka Agarwal
Ms. Priyanka Sarkare ...for the Petitioner

Mr. Shyamal Kumar Mukherjee
Mr. Subasis Sen ...for the O.P.

Affidavits of service filed by the petitioner are taken on record.

Since CRR No. 3309 of 2024 pertains to the same issue as CRR No. 3308 of 2024, both the applications are taken up for consideration together and disposed of by a common order.

The petitioner is aggrieved by the order passed by the learned Additional Chief Judicial Magistrate, Bidhannagar on June 18, 2024 and July 23, 2024 respectively in complaint case nos. 804 of 2017 and 805 of 2017.

The petitioner is an accused in C.Case Nos. 804 of 2017 and 805 of 2017. Upon closure of witnesses examined on behalf of the complainant/ opposite party, the petitioner sought to examine the Manager, HDFC Bank , Branch – Gram Sangrah, Kalyan Circle, Station Road, Sikar, Rajasthan as defence witness. The

Manager appeared before the Court and was examined in chief. Upon being cross-examined on one date, the matter was adjourned and the Manager did not turn up. The petitioner was informed that the said Manager had quit the job. Prayer for issuance of fresh summons upon the Manager who was employed at the relevant time was allowed by the learned trial Court and summons was accordingly issued. The witness failed to appear on June 18, 2024 for which evidence was closed and date fixed for hearing argument. The case was taken up for hearing argument on July 23, 2024 and argument was concluded on behalf of the complainant. The petitioner/ accused sought adjournment on that date which was rejected and further date fixed for delivery of judgment.

Learned counsel for the petitioner submits that the petitioner intends to examine the present manager of the bank to rebut the allegation made by the complainant/ opposite party before the learned trial Court.

Learned counsel for the opposite party submits that such evidence may be allowed to be recorded within a fixed time frame.

Upon consideration of the submission made on behalf of the parties as well as material on record, this Court is inclined to hold that the petitioner be allowed to examine the manager of the bank in support of his case. The learned trial Court shall take necessary steps to secure attendance of the witness before him on the next date of hearing fixed by him. Evidence of the witness shall be recorded/concluded within one month from the first date

of evidence fixed before the learned trial Court. In the event the witness fails to appear before the learned trial Court despite service of summons, the learned trial Court shall take necessary steps for securing his attendance before the learned trial Court.

The revisional applications being CRR No. 3308 of 2024 and CRR No. 3309 of 2024 are accordingly allowed.

The orders dated June 18, 2024 and July 23, 2024 are quashed/ set aside.

Consequently the connected applications being CRAN No. 3 of 2025 in CRR No. 3308 of 2024 and CRAN No. 3 of 2025 in CRR No. 3309 of 2024 are disposed of.

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

(Suvra Ghosh,J)