

CRR 3513 of 2024

Shabnam Shaikh
Vs.
The State of West Bengal & ors.

Sr. Adv. Jayanta Narayan Chatterjee,
Adv. Moumita Pandit,
Adv. Bhaskar Mondal,

... for the Petitioner.

Adv. Arijit Ganguly,
Adv. Sreemayi Roy,

... for the State.

Report submitted by the State is taken on record.

The private opposite parties are not represented despite service.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 11th July, 2024 passed by the learned Sessions Judge, Hooghly in Sessions case no. 92 of 2019. By the said order the learned Sessions Judge has permitted examination of CSW 11 after completion of examination of CSW 8.

It appears that examination of charge sheet witnesses no. 1 to 8 is complete. On 11th July, 2024 the prosecution sought liberty to examine CSW 9 Sk. Kurban Ali since he was leaving India for his job and would not be available for adducing evidence if his evidence was not recorded immediately. On the same day, an application was filed on behalf of the accused persons that CSW 11 Sk. Abdul Aziz be examined prior to examination of CSW 9 Sk. Kurban Ali. For reasons best known to the learned trial Court, the prayer of the defence was allowed and summons issued upon CSW 11. Not a single line has been spent by the learned trial Judge in the order

impugned to explain why examination of CSW 11 was necessary prior to examination of CSW 9 and 10.

Since examination of CSW 8 is complete, summons ought to have been issued upon CSW 9 in the ordinary course thereafter upon CSW 10, 11 and other witnesses. No reasons having been assigned by the learned trial Judge for preferring to examine CSW 11 prior to CSW 9, the order impugned is required to be set aside, *moreso*, since according to the prosecution, CSW 9 is due to leave India for his job and may not be available for adducing evidence if his evidence is not recorded at the earliest.

In view of the above, the revisional application is allowed. The order impugned dated 11th July, 2024 passed by the learned Sessions Judge, Hooghly in Sessions case no. 92 of 2019 be set aside/quashed.

Summons be issued upon CSW 9 Sk. Kurban Ali and the witnesses from CSW 9 to CSW 24 be examined in order of their names appearing in the charge sheet.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Suvra Ghosh, J.)