

17.11.2025
Ct. No.42

Sl. No.24
Mujahid

CRR 4691 of 2025

Pintu Ghosh & Ors.
Vs.
The State of West Bengal & Anr.

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous
Mr. Rajsekhar

...for the petitioners

Ms. Rashmi Roy (Verma)
Mr. Nilanjan Adhikari
Ms. Basundhara Roy

...for the opposite party no.2

1. Present petition has been filed challenging the Order No.100 dated 20th September, 2025 pass in ST 24 of 2017/SC 562 of 2016, whereby the learned trial court dismissed the application of the petitioner for recalling of P.W.12, S.I. Tapas Ghosh for the purpose of further cross-examination.

2. Learned counsel for the petitioners submits that inadvertently some contradictions were left to be put to P.W.12 by the erstwhile lawyer. Learned counsel submits that if these contradictions are not put to P.W.2, the petitioners shall suffer irreparable injury. Learned counsel submits that only one day is required for the cross-examination of the P.W.12.

3. Learned counsel for the opposite party has vehemently opposed the prayer and submits that present case is of 2016 and the present application was moved only after the completion

of evidence and the recording of statement of accused. Learned counsel submits that even the arguments had been advanced by both the parties. Learned counsel also submits the in the present case in CRR 1585 of 2019 and CRR 3213 of 2016, the directions were issued for expeditious disposal.

4. Learned counsel for the father of opposite party no.2 seeks liberty to file the Vakalatnama. Let Vakalatnama be filed.

5. The Court has considered the submissions that there is no dispute to the proposition that discretion under Section 311 Cr.P.C. can be exercised at any stage, if the recalling of witness is necessary for the adjudication of material dispute. However, such discretion cannot be exercised to fill in the lacunas of either of the parties. In the present case, the record reveals that P.W.12 remains under examination from 11th May, 2022 till 28th September, 2024. The application for recalling was moved only after even the arguments had been advanced. The revisional jurisdiction is a limited jurisdiction where this court can interfere only if there is an illegality or perversity in the order of the learned trial court. The court cannot impose this opinion only because another view is possible. This Court do not find any illegality or perversity in the order of the learned trial court.

6. Accordingly, CRR 4691 of 2025 is dismissed.

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

(Dinesh Kumar Sharma, J.)