

CRR No. 4849 of 2024

In the matter of : Rathindra Nath Roy petitioner.

Mr. Raghunath Chakraborty
Mr. Mahaboob Ahmed
Ms. Nandini Chatterjee ...for the petitioner.

Mr. S. S. Roy
Mr. A. Chakraborty ...for the opposite party.

Mr. Debasish Roy
Mr. Arijit Ganguly
Mr. Asif Dewan ..for the State.

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

Heard learned counsels for the parties.

The petitioner is aggrieved by the order passed by the learned Sessions Judge, Birbhum on 5th October, 2024 in Sessions Case No.76 of 1995 whereby the learned judge has closed the prosecution case and fixed a date for examination of the accused under Section 313 of the Code of Criminal Procedure.

Learned counsels for the petitioner and the State submit that this is a case of custodial death wherein the son of the petitioner was allegedly tortured to death in police custody.

Learned Trial Court has closed the prosecution case without examination of the charge sheet witness Nos.26,

28, 32, 33, 34, and 37 whose examination is absolutely required for the purpose of proper adjudication of the case.

I have considered the submission made on behalf of the parties. True, the case is pending since 1995. But at the same time, since according to the prosecution, the witnesses referred to in the order impugned are vital witnesses for substantiating the case made out by the prosecution, the said witnesses ought to be examined in the interest of justice.

In view of pendency of the trial, the IG, CID is requested to take necessary steps for production of the said witnesses before the learned Trial Court for recording their evidence.

The learned Trial Court shall continue to examine the witnesses on a day to day basis without granting any unnecessary adjournment to either of the parties.

In the event any of the the witnesses cannot be produced before the learned Trial Court physically, his/their evidence may be recorded through audio-video electronic means in terms of Section 254 of BNSS.

In view of the above, the revisional application being CRR 4849 of 2024 is allowed.

The order impugned dated 5th October, 2024 passed by the learned Sessions Judge, Birbhum in Sessions Case No.76 of 1995 is set aside.

The learned Sessions Judge shall make all endeavours to take the proceeding to its logical conclusion upon examining the witnesses as referred to in the order impugned as expeditiously as possible, in any event not later than 28th February, 2025. All the stakeholders are directed to cooperate in expeditious disposal of the case.

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

(Suvra Ghosh, J.)