

Item 29.07.
No. 2025
03

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

Ct 03

CRR 362 of 2025

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Biren Barman
Vs.
The State of West Bengal & Ors.

Mr. Hillol Saha Podder ... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.
Mr. Dr. Arjun Chowdhury. ... for the State.

Ms. Suman Sehanabis (Mondal)
Ms. Aritri Chakraborty. ... for the O.P. No.2.

1. Learned counsel appearing on behalf of the parties to this revisional application are present.
2. This revisional application has been filed assailing the order dated 14th May, 2025 passed by the Learned Additional Sessions Judge, Mathabanga in connection with Sessions Case No. 89 of 2016 corresponding to Mathabanga Police Station Case No. 99 of 2012 dated 05.04.2012 under Sections 147/ 148/ 149/ 341/ 326/ 307/ 302 of the Indian Penal Code corresponding to G.R. Case No. 211 of 2012.
3. Learned counsel appearing on behalf of the petitioner has contended that one application was filed on the day of examination of accused under Section 313 of the Code of Criminal Procedure for issuing fresh summons to few

of the witnesses including two doctors.

4. Learned Judge recorded his finding that several attempts were made to ensure attendance of witnesses before the Court but ultimately they did not appear and considering the pendency of this case, learned Judge rejected the application with the assurance to pass necessary order if at the time of passing of judgment it is found that examination of those witnesses are required for the just decision of the case.
5. All the learned counsel appearing on behalf of the parties to this revisional application are ad idem of the fact that learned Court did not exhaust the process to ensure the attendance of the witnesses who did not appear in spite of repeated summons. From the record as well as certified copy of the orders filed on behalf of the accused, it appears that though repeated summons were issued upon the witnesses but none of those witnesses appeared before the Court and learned Judge did not take any effort by issuing bailable warrant upon the witnesses to ensure their attendance before this Court.
6. Therefore, it is found that learned Judge did not exhaust all the available means to ensure attendance of witnesses before this Court in response to the trial of offence under Section 302 of the Indian Penal Code.

7. In this circumstances, I find no other alternative but to request the learned Judge to exhaust all the available process to secure attendance of the witnesses who are not examined in this case and dispose of the same as expeditiously as possible.
8. I make it clear that learned Judge shall take all steps without affording any kind of adjournment to any of the parties.
9. With the aforesaid observation, the revisional application stands disposed of.
10. Parties are at liberty to communicate this order to the Learned Trial Court.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)