

D/L 47
19.03.2026
ct.no.42
Kausik

CRR 927 of 2026

**Shankar Shaw @ Shiv Shankar Shaw @ Shib
Shankar Shaw @ Shib Sankar Shaw
Versus
The State of West Bengal & Anr.**

Mr. Sourav Mondal
Mr. Arijit Bhuiya
Mr. Rony Mondal
Mr. Debarghyo Sil

...for the Petitioner.

Mr. Rudradipta Nandy, Ld. APP
Ms. Snigdha Saha

...for the State.

Present petition has been filed challenging the order dated 18th February, 2026 whereby the application filed by the petitioner for recalling PW 31 for the purpose of further cross-examination was declined.

Learned Counsel for the petitioner submits that during the cross-examination learned Trial Court verbally disallowed certain material questions and refused to permit the complete cross-examination of the said expert witness.

Learned Counsel submits that the petitioner is in custody and is facing heinous charges of heinous offence.

Learned Counsel for the State has opposed the petition and submits that the present petition is filed only to delay the trial.

The Court has gone through the record. Perusal of the record indicates that PW 31 was duly examined and cross-examined by the learned Trial Judge and it has been specifically recorded that the cross-examination was duly concluded. The witness was discharged thereafter.

However, on the same day learned Counsel for the petitioner moved an application for recalling the witness for further cross-examination on the ground that certain material questions were verbally disallowed. The learned Counsel also submits that the learned Judge did not record the cross-examination in the question-answer format.

The Court considers that the plea being raised by the learned Counsel for the petitioner is liable to be rejected outrightly. Learned Counsel for the petitioner intends to challenge the veracity and authenticity of the judicial order which cannot be permitted.

Though, a party can be permitted to challenge the correctness or the legality of the order but a party cannot be permitted in the ordinary course to challenge that the judicial record has not been truly maintained.

The Court considers that there is no substance in the petition. The same is dismissed.

Accordingly, CRR 927 of 2026 is dismissed.

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

(Dinesh Kumar Sharma, J.)