

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**C.R.R. 5123 of 2025
(Assigned)**

**Central Bureau of Investigation represented by the
Deputy Superintendent Of Police, CBI, ACB, Kolkata**

-Vs-

The State of West Bengal

With

WPA 29425 of 2014

Goutam Mondal

-Vs-

Eastern Coalfields Limited & Ors.

For the Petitioner : Mr. Amajit De, Special P.P., C.B.I.

For the State : Mr. Partha Ghosh
Mr. Amal Kumar Datta
Mr. Debashis Das

Judgment on : 22.05.2026

Ananya Bandyopadhyay, J.:-

1. The instant criminal revisional application at the instance of the Central Bureau of Investigation (hereinafter referred to as 'CBI') is directed against the sequential orders passed by the Learned Chief Judicial Magistrate, Bankura, in Complaint Case No. 36C/2014, culminating in the closure of evidence and fixing the matter for pronouncement of judgment. The

gravamen of the petitioner's grievance rests upon the premise that the learned trial court, by rejecting applications for the issuance of warrants of arrest under Section 87 of the Code of Criminal Procedure and dismissing a belated plea to summon a witness under Section 311 of the Code of Criminal Procedure, has truncated the path of the prosecution and occasioned a failure of justice.

2. In paragraph 21 of the instant application the petitioner had prayed for the following orders:-

"That the application is made bonafide and in the interest of justice:

In the circumstances it is humbly prayed that Your Lordship may be graciously pleased to issue a Rule calling upon the Opposite Parties to show cause as to why the impugned proceeding being order dated 28.10.2025 and subsequent orders passed by the Learned Chief Judicial Magistrate, Bankura in Complaint Case No.36C/2014 arising out of CBI case RC0102013A0013, now pending before the Learned Chief Judicial Magistrate, Bankura should not be quashed and/or set aside, call for the records of the case, peruse the same and/or pass such order or further order or orders as to Your Lordships may deem fit and proper.

-And-

Pending hearing of the rule, further prayed that Your Lordship would graciously be pleased to stay all further proceeding of Complaint Case No.36C/2014 arising out of RC0102013A0013, pending before the Learned Chief Judicial Magistrate, Bankura till the disposal of this Revisional application."

3. Having traversed the trial court records, scanned the impugned orders, and weighed the submissions of the learned counsel for the parties, this Court

finds itself unable to subscribe to the anxieties of the investigative agency. For the reasons structured below, the actions of the Learned Chief Judicial Magistrate suffer from no legal infirmity; rather, they reflect a harmonious compliance with a superior judicial mandate.

4. The petitioner's argument completely decouples the trial court's procedural steps from the overriding legal ecosystem governing this case. It is a matter of record that this Hon'ble Court, in W.P.A. No. 29425 of 2014, via an order dated 03.09.2025, issued a peremptory, time-bound directive to the Learned Chief Judicial Magistrate, Bankura. The mandate was absolute and unequivocal: conduct the recording of evidence on a day-to-day basis and finalise the entire proceedings by 19.12.2025.
5. A sub-ordinate court cannot remain oblivious to, or act in defiance of, a time-locked constitutional decree under the guise of procedural indulgence. The trial court was saddled with a solemn obligation to prevent systemic procrastination. The records reveal that the learned trial court meticulously scheduled a dense block of trial dates from 14.10.2025 to 18.10.2025 and again from 27.10.2025 to 30.10.2025 specifically for the examination of the remaining prosecution witnesses.
6. The prosecution was given ample, structured, and continuous opportunity to produce its witnesses. A Trial Court cannot be expected to indefinitely stall a calendar mandated by the High Court when witnesses, despite being duly served, fail to appear. The trial court correctly recognized that entertaining successive applications for warrants of arrest would predictably disrupt the

day-to-day trial schedule, making adherence to the High Court's ultimate deadline of 19.12.2025 an impossibility.

7. The Learned Advocate for the petitioner argued the invocations of Section 87 and Section 311 of the Code of Criminal Procedure operate as automatic, mandatory rights that strip the trial court of its evaluative discretion. This is an erroneous reading of criminal procedure.
8. While Section 87 of the Code of Criminal Procedure empowers a Court to issue a warrant upon proof of service, the statutory language uses the term "may", explicitly preserving judicial discretion. The court must balance the necessity of the witness against the backdrop of the trial's history and structural constraints. Here, the learned trial court observed that the issuance of warrants would mean adjourning the case to a future schedule, a route explicitly forbidden by the High Court's embargo on routine adjournments.
9. The prosecution's application on 29.10.2025 to summon Bina Ghosh under Section 311 of the Code of Criminal Procedure was heavily tainted by laches. This case arises out of a 2013 FIR and a 2014 Complaint Case. The contention that the prosecution "discovered" the relevance of Bina Ghosh only on 15.10.2025 during the cross-examination of CSW-04 is a self-defeating argument for a premier investigative agency.
10. The identity, existence or non-existence of Bina Ghosh was the foundational dispute of the prosecution's case for over a decade. To move an application under Section 311 of the Code of Criminal Procedure at the absolute

eleventh hour when the day-to-day schedule is drawing to a close, is a clear instance of dragging out proceedings.

11. While the power under Section 311 of the Code of Criminal Procedure is undoubtedly wide, it cannot be weaponized to fill up lacunae left by the prosecution's own historic inertia, especially when a superior court has mandated a swift conclusion of the trial. The Learned Trial Court committed no error in holding that the application was highly belated and incompatible with the fast-tracked calendar.
12. Beyond the lack of merit on facts, the instant criminal revision faces an insurmountable statutory bar under Section 397(2) of the Code of Criminal Procedure which explicitly dictates: the powers of revision conferred by sub-Section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.
13. The orders dated 28.10.2025 and 29.10.2025 which rejected pleas for issuing warrants of arrest and disallowed the summoning of an additional witness do not determine the guilt or innocence of the accused. They do not bring the final curtains down on the trial. They are steps along the procedural pathway, intermediate and purely interlocutory in nature. The petitioner relies on the argument that these orders affect substantial rights. However, the trial court has already progressed dynamically through the statutory stages.

14. The statement of the accused under Section 313 of the Code of Criminal Procedure was recorded; defence evidence was concluded; full arguments were addressed by both sides on 20.11.2025.
15. The case was explicitly fixed for pronouncement of judgment on 27.11.2025. At this advanced juncture, when the judgment is imminent, an interlocutory revision seeking to turn back the clock to re-examine witnesses is entirely misdirected and legally unmaintainable. The prosecution had an equitable opportunity to present its case within the window structurally provided by the Court. It cannot now use the revisional jurisdiction of this Court to bypass an adverse procedural situation born out of the non-cooperation of its own witnesses.
16. The Learned Chief Judicial Magistrate, Bankura, has walked a tightrope, balancing the demands of a fair procedural trial with the unyielding compliance required by a High Court mandate. The trial court did not rush the proceedings arbitrarily; it provided designated dates, accepted depositions, and closed the evidence only when the prosecution's machinery could no longer produce its witnesses within the legally permissible time frame.
17. To disturb the trial at this final stage would be to validate procedural infinite regression. The impugned orders exhibit neither perversity, nor illegality, nor jurisdictional error. The Trial Court is to pronounce the judgment at its earliest convenience on receipt of the copy of this order.

18. The instant criminal revisional application is, therefore, dismissed as both devoid of merit and not maintainable in law.
19. Interim orders, if any, stand vacated.
20. Urgent certified copies of this judgment, if applied for, be supplied to the parties expeditiously upon compliance with all necessary legal formalities.
21. There is no order as to costs.
22. Department is directed to communicate a copy of this order to the Learned Trial Court as well as the police station concerned for necessary information and compliance.
23. All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

(Ananya Bandyopadhyay, J.)