

CRR 5454 of 2025

**Raj Kumar Chandra
Vs.
The State of West Bengal**

Mr. Debajyoti Deb	
Ms. Somdyuti Parekh	
Mr. H. Kr. Jha	
Ms. Indrani Roy	...for the Petitioner
Mr. Imran Siddiqui	...for the State

The petitioner herein is aggrieved with the order dated 11th November, 2025 by which the court below had rejected the petitioner's prayer for further cross-examination of the Investigating officer on the ground that the allegations are frivolous and are not required to be put to the witnesses as prolonged cross-examination has already been done.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the learned Magistrate has caused grave illegality in failing to appreciate the importance of the application filed under Section 311 of the Code of Criminal Procedure and he should have allowed the petitioner's prayer for recalling the witness namely, PW-27 so as to enable the petitioner to put the most relevant questions which were left out. He further submits that while disposing the petitioner's application under Section 311 of the Code, the court below had acted arbitrarily and without considering the fact that if the said questions are not allowed to be put to the Investigating officer, it would cause serious prejudice to the accused person/petitioner herein.

Learned counsel for the petitioner during the course of argument, submits that though in the application filed under Section 311 of the Code, the petitioner has sought to put 52 questions as annexed with the application but it appears that if the petitioner is allowed to put first 32 questions, that would serve the purpose for further cross-examination.

Learned counsel for the State submits that 32 questions are relevant, which may be allowed to put to the witness namely, PW-27 for the effective and conclusive adjudication.

In view of above, the instant application being CRR 5454 of 2025 is hereby disposed of with a direction upon the court below to allow the petitioner to put first 32 questions mentioned in the application filed under Section 311 of the Code dated 22nd August, 2025. For the purpose of aforesaid further cross-examination, the court below will ask the Investigating officer to appear before the court below and the petitioner shall put all 32 questions to the witness on a single day and thereafter, the court below will proceed further in accordance with law.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)