

24.03.2026

Ct. No.42

D/L 29

Mujahid

CRR 5572 of 2025

Sanat Kumar Chandra

Vs.

The State of West Bengal & Ors.

Mr. Rana Mukherjee
Mr. Kishore Mukherjee

...for the petitioner

Mr. Saibal Bapuli
Mr. Kunal Ganguly

...for the State

Mr. Manjit Singh, Sr. Adv.
Mr. P.K. Mitra
Mr. Kaustav Talukdar
Mr. Biswajit Mal
Mr. Arkaprabho Roy

...for the O.P. no.5

1. Present petition has been filed challenging the order dated 20th September, 2025 whereby the application for recalling of CSW-16, Dr. Sudipta Ghosh and PW-16, Swapan Kumar Reja was rejected.

2. Learned counsel for the petitioner/complainant and the learned counsel for the State submits that an application was moved before the learned trial court for recalling of CSW-6, i.e. the photographer and CSW-16, i.e. the doctor for recalling them for the purpose of cross-examination, as their evidence was necessary for the just decision of the case. Learned counsel for the complainant/State that this petition has been moved by the father of the victim, i.e. the de facto complainant and one

opportunity may be given to the State to examine these witnesses CSW-6 and CSW-16.

3. Mr. Manjit Singh, learned senior counsel for the opposite party/accused/defence has vehemently opposed the application and submits that sufficient opportunities had already been given to the State to examine these witnesses and the present petition has been moved only to delay the trial.

4. The court has considered the submissions. There is no doubt to the settled proposition that the power to summon or recall the witnesses under Section 311 Cr.P.C. is to be exercised liberally, if a witness is necessary for the just decision of the case and they ought to be recalled/summoned for the purpose of examination/cross-examination. However, at the same time, the court is duty bound to see that such an exercise should not be under the guise of protracting the trial.

5. Perusal of the impugned order indicates that the earlier request for recalling of CSW-6 and CSW-16 was allowed by the learned trial court and opportunities were given to the State to produce these witnesses. However, the State failed to produce these witnesses and the learned trial court vide the impugned order declined further opportunity to recall these witnesses. Besides that these witnesses have only been called for the purpose of their identification and their signature. CSW-6 is the photographer who will identify his signature on the photograph of the dead body. It has been stated at bar that the identification of the dead body is not disputed. CSW-16 is the doctor who is to identify his signature on the MLC. Admittedly, the MLC has duly

been proved. It is also pertinent to mention that the present petition has not been filed by the State. Had the State been aggrieved being the master of the case they could have challenged the order of the learned trial court.

6. It is also to be borne in mind that the revisional jurisdiction has to be exercised with circumspection. The revisional court cannot substitute its own opinion with the opinion of the learned trial court. In the revision the impugned order can be set aside only if there is infirmity or illegality in the order of the learned trial court.

7. This court do not find any illegality or infirmity in the order of the learned trial court. Learned trial is requested to dispose of the matter expeditiously in accordance with the law.

8. CRR 5572 of 2025 stands disposed of.

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

(Dinesh Kumar Sharma, J.)