

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BIRBHUM AT RAMPURHAT

Present : Sudipta Bhattacharjee, Additional Sessions Judge, Birbhum at Rampurhat

Criminal Rev. no.07/2021
CNR No.WBBB05-000170-2021

Order No.02

16.04.2021 The record is put up by filing a petition.

A stay petition with affidavit is filed by the petitioner. Let it be kept with the record.

Ld.lawyer for the State petitioner submitted that it is a case u/s 3 RPP Act. On the relevant date the prosecution railway failed to produce any witness and sought for time. And Ld.Judicial Magistrate,2nd Court, Rampurhat rejected the prayer without applying the judicial mind. Thus the railway prosecution filed a petition u/s 246(6) Cr.P.C. and stated that the prosecution produced almost all the witnesses except three witnesses. For proving of this case,the prosecution railway requires to examine three witnesses mentioned in the petition

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dt.02.02.2021. He submitted that Ld.trial court without considering the judicial mind rejected the prayer of the prosecution without giving an opportunity to the prosecution for examining rest three witnesses.

Heard. Considered.

I have perused the petition including the order of Ld. Trial court dt.09.02.2021. Ld. Trial court specifically emphasized about the long pendency of this court which prompted the court to reject the prayer of the prosecution. It is settled law that the law does not circumscribe the time limit for the prosecution. The court cannot curtail the opportunity of the prosecution agency to adduce evidence unless there is a serious laches on their part. From the submission of the prosecution lawyer it transpires that the name of three witnesses mentioned in the petition dt.02.02.2021 have been cited in the P.R. prepared by the prosecution. The court should give opportunity to the prosecution agency to produce the witnesses for proving its case. The trial court instead of allowing the petition of the prosecution closed the prosecution witnesses.

It appears from the record as well as submission of Ld.Advocate for the petitioner railway that there is sufficient grounds for granting the stay of the operation of the order till disposal of the criminal revision.

Hence, the order dt.09.02.2021 passed by Ld.J.M. 2nd Court, Rampurhat in C.R. case no.265/2010 is hereby stayed till disposal of the instant criminal revision.

Issue notice upon the OPs.

Requisites to be filed at once.

Call for L.C.R. at once.

To date (07.07.2021) for S.R. and L.C.R.

Dictated and corrected
Sd/-S.Bhattacharjee
A.S.J. Rampurhat

Sd/-S.Bhattacharjee
Additional Sessions Judge
Birbhum at Rampurhat
JO Code-WB00794