

Sessions Case no.83/2019

CNR-WBBD01-001626-2019

Order No. 25 dated 27/06/2024

Today is fixed for appearance of four accused persons and hearing of a petition dt. 09/05/2024 u/s 311 Cr.P.C. praying for presence of two witnesses namely Sukumar Mete and Tarak Mete for adducing their evidence on the ground stated therein.

Out of four (4) accused persons three (3) accused persons namely Raju Mete, Kartick Mete and Chand Mete on court bail are present by filing their respective haziras. Another accused namely Sanjay Mete is absent by filing a petition on the ground stated therein.

The petition is considered and allowed for the ends of justice.

The surety is directed to produce the accused positively on the next date fixed i.d. necessary order.

Inform surety.

Now, the instant petition is taken up for hearing.

Perused the petition.

Heard Ld. P.P.-in-charge and Ld. Advocate for the accused persons.

Ld. P.P.-in-charge submitted that for essential and proper justice the above named witnesses are required to be examined as they have not been cited as witnesses in this case and accordingly, prayed for passing necessary order.

Ld. Advocate for the accused persons did not raise any objection against the instant petition and submitted to pass necessary order for the interest of justice.

On perusal of the petition and hearing of the submissions of Ld. P.P.-in-charge and Ld. Advocate for the accused persons I would like to mention that section 311 Cr.P.C. is of very wide amplitude and if there is any negligence, latches or mistake by not citing/examining material witness, the Court's function to render just conclusion by examining such witnesses at any stage. There is no limitation of power of the Court in respect of a petition u/s 311 of Cr.P.C. and that can be filed at any stage of the proceeding, but the said power can an ought to be exercised for the interest of justice.

In the instant case the complainant is Sukumar Mete and the other witness is the son-in-law of the complainant. This is a case where the charge has been framed against the accused persons u/s 326/307/34 of IPC. I find that with the object for finding the truth and for obtaining proper proof of the fact

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mentioned in the instant petition, the instant petition is required to be allowed for the ends of justice and coming to a just and correct decision of this case. **(Harendra Ray – vs- State of Bihar), 18th August 2023.**

Accordingly the instant petition dt. 09/05/2024 is hereby allowed for the interest of justice.

The prosecution is directed to take steps at once for issuing summons upon the witnesses above mentioned for adducing their evidence .

Accused persons as before.

Fix 25/09/2024 for appearance and evidence of the above named two witnesses.

D/C by me

sd/-
Addl. Sessions Judge, 1st Court
Burdwan.

sd/-
Addl. Sessions Judge, 1st Court
Burdwan
(J.O.Code WB 00702)