

S.C. 69 of 2022

Order No. 14 dated 20-05-2025

Today is fixed for hearing petition filed u/s 311 Cr.PC on 09-04-25.

Ld. PP in charge files hazira and present in person.

Out of three accused persons, only Gopal Pal is present in person, hazira is filed on his behalf and rest are represented as per provision of Sec. 317 Cr.PC.

Ld. Defence counsel is also present.

Ld. PP in charge moved the application and submitted that examination of CSW-7, the MO namely Dr. Sarmistha Patra and CSW-9 the IO namely Digbijoy Nandy are to be examined for ends of justice.

Ld. Defence counsel is present, he raised vehement objection and submitted that previously this Court had given opportunity to the prosecution to examine these witnesses but prosecution neglected to avail the same.

On perusal of the materials on record it appears that Ld. PP in charge filed one application u/s 311 Cr.PC, on 17-01-2025 and prayed for examination of CSW-7 and CSW-9 on the self same ground. After considering the submission of the parties and upon perusal of the materials on record this Court granted the prayer of the prosecution vide order No. 11 dated 15-02-2025.

This Court, given opportunity to the prosecution to examine those witnesses on 11-03-2025 but prosecution failed to bring those witnesses without any ground. Thereafter, this Court closed the evidence fixed 09-04-2025 for examination of the accused persons u/s 313 Cr.PC. Again on 09-04-2025 Ld. PP in charge filed one application u/s 311 Cr.PC, on 09-04-2025 and prayed for examination of CSW-7 and CSW-9 on the self same ground as that of application filed on 17-01-2025.

Ld. PP in charge neither pleaded nor submitted any new circumstances as to why application u/s 311 Cr.PC was filed when Ld. PP in charge neglected to avail the opportunity given to him to examine CSW-7 and CSW-9.

On perusal of the materials on record it appears that the prosecution had caused substantial delay in examining the witnesses till date. It is fact that charge is framed by this Court on 22-02-2023 and till date only three prosecution witnesses were examined.

This Court had already given opportunity to the prosecution to examine CSW-7 and CSW-9 but the same was not availed by the prosecution without any justification.

The prosecution before this Court had been dealing the present case most negligently leaving the accused persons to suffer delay of trial.

This Court at this stage finds no ground to grant the prayer of the prosecution and accordingly, the application filed by the prosecution on 09-04-2025 u/s 311 Cr.PC is hereby rejected on contest without cost.

To 11-06-2025 for examination of the accused persons u/s 313 Cr.PC.

Dict. & corr.

Sd/- Srimayi Kundu

Sd/- Srimayi Kundu

Addl. Sessions Judge, Kalna

Addl. Sessions Judge,
Kalna