

GR Case No. 962/2016 (CIS Reg No. 251/2016)
CNR No. WBBD16-001483-2016

Dated: 18.05.2024

Today is fixed for evidence.

Out of (09) accused persons, 05 accused are present and rest 04 accused are represented u/s 317 Cr.P.C. Witness (CSW.6/ P.W.5), Rubi Parveen is present. Ld. APP is also present.

At this stage Ld. Advocate for the accused persons files a petition and prays for necessary order of analogous trial of this present case along with GR Case no. 1012/2016. It is submitted by the Ld. Advocate that this instant case being GR case no. 962/2016 was registered on basis of a written complaint filed by complainant, Shahaz Anwar alleging an incident dated 16.04.2016. Again over the self same incident another case was registered against the complainant being GR case no. 1012/2016 lodged by the accused person which is now pending before Ld. JM, 2nd Court, Asansol. He further submits that if both the cases are tried separately then there is likelihood of conflicting judgment. He relied upon the judgment of Nathilal and other vs – State of U.P, 1990 SSC 145 and State of M.P -vs – Mishri Lal, 2003 (9) SSC 426 and prays for necessary order of analogous trial.

Ld. APP raised objection.

Heard both side. Perused.

Chapter XXXI of Cr.P.C deals with transfer of Criminal Cases. There is no such provision by which this Court is empowered to call for a record which is pending before another Court of Judicial Magistrate and proceed analogous trial.

Considered.

This instant petition be rejected *in limine*.

The case is adjourned today with a direction upon the Ld. Advocate for the accused person to come prepare positively to conclude the cross-examination of P.W.5, Rubi Parveen on date fixed i.d cross examination of P.W.5 will be closed.

Witness, P.W.5, Rubi Parveen is directed to remain present on date fixed.

To 05.06.2024..... for cross of P.W.5

J.M, 3rd Court, Asansol