

S. T. Case No. - 32 (12) 2021  
S.C. No. - 39/ 2020  
CNR – WBHG01-001116-2020

Order No. 49 Dated 03.11.2025

Out of four accused persons, two accused persons namely Tapas Patra and Chinmoyee Patra on CB are present and rest two accused persons namely Debojyoti Patra and Aheli Patra are absent by a petition u/s 317 of Cr.P.C to be represented by their Ld. Advocate.

Today is fixed for hearing of the petition for recall of PW-4, 6, 7 & and 11 filed on behalf of the accused persons on 25.07.2025 and W/o, if any.

Copy of this petition had been duly served upon the Ld. Addl. PP, Hooghly. However, no written objection has been filed till date.

Referring to the petition, Ld. Advocate for the accused submitted that during scrutiny, it has come out that some relevant points had been left out during their cross-examination. For ends of justice and proper adjudication of this case on merit, the accused persons may be permitted to put such questions to those witnesses respectively after re-calling them. He also refers to the proposed questions mentioned in page 2 of the petition.

Raising strong objection, Ld. Addl. PP, Hooghly submits that this petition has been filed at much belated stage and the accused persons cannot be permitted to fill-up the lacunea. He therefore makes a prayer for rejection of the petition.

Heard both sides.

Seen the materials on record wherefrom it appears that the trial of this case has been concluded. Prosecution had examined 13 witnesses. The defence had been given opportunity to cross-examine all such witnesses extensively. Now, trial of this case has concluded and the matter is fixed for examination of the accused persons u/s 313 of Cr.P.C. Therefore, re-calling of PW-4, 6, 7 & 11 at this juncture would not only delay the disposal of this case but the same would tantamount to filling-up of lacunea which is not permissible. As rightly argued by the Ld. Addl. PP, Hooghly, the defence cannot be permitted to fill-up the lacunea in cross-examination at this stage. Therefore, the petition for re-call is rejected.

Fixing 29.11.2025 for appearance and examination of the accused persons u/s 313 of Cr.P.C.

D/C by me.

Sd/-

Addl. Dist. & Sessions Judge  
(3rd Court), Hooghly  
WB00891

Sd/-

Addl. Dist. & Sessions Judge  
(3rd Court), Hooghly  
WB00891