

SC. 392/17 (CIS 696/17)

Order dated 29.08.2025

Today is fixed for argument.

2 accused on CB are present before the court by filing appearance.

Ld. P.P. in charge and Ld. Advocate for the accused are present.

One application is filed by the Ld advocate for the accused citing the order passed by the Hon'ble Circuit of Calcutta High Court at Jalpaiguri in CRR 181/2022 on 05.01.2023.

It is submitted that the accused preferred revision against the order passed by this court on 06.08.2022 allowing the petition under section 311 Cr PC for recalling the witness PW 3 Sujay Das. On the revisional application by the accused, the Hon'ble High Court at Calcutta was pleased to set aside the order passed by this court on 06.08.2022. Now, the accused has filed this application before this court praying for setting aside the order passed by this court on 06.08.2022.

On perusing the record it appears that the order passed by the Hon'ble High Court at Calcutta in CRR No. 181/2022 was received by this court vide memo No. 64/Cr/JPG/CB/2023 dated 11.01.2023 from the Hon'ble Circuit Bench of Calcutta High Court at Jalpaiguri Criminal Revision Jurisdiction and it was entered in the record by order of this court dated 30.01.2023.

The relevant observation by the Hon'ble Court is laid down here:

“As I have already pointed out underlying the object of Section 311 of the Cr PC is that there may not be failure of justice on account of mistake of either of the parties, in bringing valuable evidence on record. Keeping that object in mind. I am inclined to set aside the order passed by the learned Trial Court at the behest of the learned Public Prosecutor. While doing so I am inclined to hold that provision of Section 311 of the Cr. PC should be invoked in the interest of justice.”

Thus, the application challenging the order of this court dated 06.08.2022 before the Hon'ble Court has been finally decided by the Hon'ble Court in its revisional jurisdiction. In light of the aforementioned observations by the Hon'ble Court ; no further order with respect to the present application of the accused is necessitated . Accordingly the application filed by the accused is disposed.

One application is filed by the Ld PP in charge submitting that the prosecution be allowed to take necessary steps in respect of the order passed by the Hon'ble Court in CRR No. 181/2022. The prayer is allowed. Prosecution is directed to take necessary steps on next date fixed.

Fixing 20.09.2025 for taking steps by the prosecution and hearing of argument.

Accused as before.

Dictated & Corrected by me,

Addl. Dist. & Sessions Judge,  
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,  
1<sup>st</sup> Fast Track Court, Alipurduar.