

SC. 392/17 (CIS 696/17)

Order dated 20.09.2025

Today is fixed for taking step by the prosecution and hearing of argument.

Two accused on CB are present by filing appearance.

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

The prosecution was directed to take steps. It is submitted by the Ld PP in charge that necessary order may be passed in light of the observation made by the Hon'ble High Court at Calcutta, Circuit Bench at Jalpaiguri in CRR 181/2022 on 05.01.2023.

It has been observed by the Hon'ble Court that:

“Liberty is given to learned Trial Court to exercise the jurisdiction vested under section 311 Cr PC. if learned Trial Court considers it necessary to invoke the same to secure ends of justice, independently upon subjective satisfaction, after considering the facts and circumstances of the case. Opportunity to cross-examine the witness should be given to the parties. Power should be exercised independently and not at the behest of either learned Public Prosecutor or by the learned defence counsel.”

The Ld counsel for the accused submits that the accused could not cross examine the witness PW 3 Sujay Das who was recalled and summoned at the behest of the prosecution. Thus, the Ld counsel for the accused prays for an opportunity to cross examine PW 3.

In view of the order passed by the Hon'ble Court and on hearing the ld counsel for the prosecution and the accused, this court think it necessary to invoke the provision of Section 311 of Cr PC and recall the witness PW 3 Sujay Das.

Issue summons upon PW 3, Sujay Das under section 311 Cr PC.

DA to comply.

Fixing 20.11.2025 for evidence of PW 3, Sujay Das.

Accused as before.

Dictated & Corrected by me,

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

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.

