

**Rly NGR Case No- 1378 of 2018**

**CIS No. 01 of 2019**

**Order Dated: 19.01.2026**

Today is fixed for evidence.

Accused is represented under section 317 of CrPC.

Heard.

It appears that plea in the present case was taken on 22.02.2019 and thereafter the case was fixed for evidence. In course of trial, PW1 was examined and cross-examined on 29.07.2019. Subsequently, PW2 was examined and cross-examined on 11.11.2019. Thereafter, PW3 was examined on 07.01.2025; however, his cross-examination was deferred on that date.

It is placed on record that since 07.01.2025, PW3 has consistently failed to turn up before the Court for completion of his cross-examination, despite the case being fixed on several occasions. The record further reveals that there is no other prosecution witness left to be examined in the present case. Thus, the prosecution evidence has substantially been adduced and the further continuation of the evidence stage, in absence of the witness and with no reasonable likelihood of securing his presence, would only result in unnecessary delay of the trial.

At this stage, the accused has filed a petition praying for closure of prosecution evidence. On careful consideration of the case record, it appears that sufficient opportunity has already been afforded to the prosecution to complete its evidence. The law does not permit a criminal trial to be kept pending indefinitely on account of non-appearance of witnesses, particularly when no further witness remains and the case has been lingering for a considerable period. The Court is also required to ensure expeditious disposal of the trial while balancing the rights of the accused.

In view of the above facts and circumstances, and considering that the prosecution has failed to produce the remaining witness despite adequate opportunities, the prayer of the accused for closure of prosecution evidence is found to be just and proper.

Accordingly, the prayer is allowed. Prosecution evidence is closed.

The case is now fixed for examination of the accused under Section 313 of the Code of Criminal Procedure on the next date fixed.

Accused to remain present on the said date.

Fix 07.03.2026 for 313 of accused.

D/C by me

JM1

Judicial Magistrate 1<sup>st</sup> Court  
Raghunathpur, Purulia