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CRR 427 of 2026

**Ajoy Mondal @ Ajay Mondal
Vs.
The State of West Bengal**

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

...for the Petitioner

The petitioner herein has assailed the order dated 20th January, 2026 passed by the learned Additional Sessions Judge, 1st Court, Hooghly in Sessions Trial no. 5(01) of 2022.

Being aggrieved by the aforesaid order, learned counsel for the petitioner submits that the petitioner is facing custody trial for more than four years. After examination of the accused person under Section 313 of the Code of Criminal Procedure, he adduced evidence on his behalf on 20th January, 2026, when his brother was examined as DW1. He prayed for an accommodation on that day to produce further two witnesses on his behalf as DW2 and DW3.

However, learned court below unnecessarily observed that the record discloses that sufficient opportunity was given to the defence counsel to bring their witnesses but they have failed. The order impugned is not sustainable in the eye of law, since no opportunity was given to the accused person/petitioner to adduce the defence evidence of DW2 and DW3.

The petitioner in support of his contention, has relied upon a judgment of the Apex Court in **Natasha Singh Vs.**

Central Bureau of Investigation (State) reported in **(2013) 5 SCC 741**.

Having heard learned counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of the application upon the State through the office of Public Prosecutor, High Court, Calcutta.

Let the matter appear on 23rd April, 2026 under the heading **“To Be Mentioned”**.

(Dr. Ajoy Kumar Mukherjee, J.)