

Buddhadeb Chandra and ors. Vs. the State of West Bengal

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Court : Kolkata

Decided On : May-05-2010

Judge : Ashim Kumar Roy, J.

Acts : Indian Penal Code (IPC) - Sections 34, 306 and 498A; ;Code of Criminal Procedure (CrPC) - Section 311

Appeal No. : C.R.R. No. 1186 of 2010

Appellant : Buddhadeb Chandra and ors.

Respondent : The State of West Bengal

Advocate for Def. : Joy Sengupta, Adv.

Advocate for Pet/Ap. : Abhijit Kumar Adhya, Adv.

Disposition : Petition dismissed

Judgement :

Ashim Kumar Roy, J.

1. Heard Mr. Abhijit Kumar Adhya, Learned Counsel, appearing on behalf of the petitioners as well as Mr. Joy Sengupta, Learned Counsel, appearing on behalf of the State. Perused the impugned order and other materials on record.

2. The subject matter of challenge in the instant criminal revision is an order whereby the Trial Court rejected the petitioners' prayer for re-examination on recall of five prosecution witnesses, viz., P.W. 1, P.W. 2, P.W. 5, P.W. 8 and P.W. 14. It appears from the materials on record that the petitioners have been facing their trial for offence punishable under Sections 498A/306/34 of the Indian Penal Code and after the 313 examination of the accuseds was over, the application under Section 311 of the Code of the Criminal Procedure was moved for recalling of those witnesses for their re-examination to suggest that the victim, Mousumi, committed suicide as she was unable to conceive. It further appears that those witnesses were examined at length. The defence got sufficient opportunities to cross-examine them, but nothing was suggested to those witnesses that she committed suicide being unable to conceive. This is a case where there has been a change of lawyer and the new lawyer after taking over of the charge of the case, moved this application for putting this suggestion to those witnesses.

Now, having regards to the materials on record, I am of the opinion that the examination of the said witnesses is not at all necessary for just decision of the case. Accordingly, it cannot be said that the order impugned suffers from any illegality or any infirmity.

This criminal revision has no merit and accordingly stands dismissed.

Criminal Section is directed to deliver urgent Photostat certified copy of this Judgement to the parties, if applied for, as early as possible.

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