

**HIGH COURT OF TRIPURA
AGARTALA
Crl.Rev.P. 62 Of 2024**

Sri Sambhunath Pradhan ***Petitioner(s)***
The State of Tripura ***Versus*** ***Respondent(s)***

For Petitioner(s) : Ms. P. Chakraborty, Advocate.
For Respondent(s) : Mr. R. Dutta, P.P.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
ORDER

25.09.2024

This Criminal Revision Petition has been filed under Section 397 read with Section 401 of Cr.P.C, 1973 seeking the following reliefs:-

- "i. Admit the petition.
- ii.Call for the case records pertaining to the case no. S.T. (T-1) 54 of 2022 from the court of Ld. Additional Sessions Judge, West Tripura, Agartala (Court No.5).
- iii. Notify the respondent.

AND

iv. After hearing both sides Your Lordship may be kind enough to set aside/quash the impugned order dated 27.06.2024 passed by Shri P.P. Paul, the Ld. Additional Sessions Judge (Court No.5) West Tripura, Agartala in connection with case No. S.T. (T-1) 54 of 2022, allowing the prayer of the Ld. Special P.P made under Section 311 of Cr.P.C for summoning and examination of one Sri Bidyut Kumar Bhattacharya as P.W whose name was not cited as witness in the charge Sheet by the I.O. of the case.

AND

v. Pending disposal of the case Your Lordships may be pleased to stay the further proceedings of the case No.S.T.(T-1) 54 of 2022 pending before the Ld. Additional Sessions Judge (Court No.5) West Tripura, Agartala till disposal of the instant revision petition.

[2] Heard Ms. P. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. R. Dutta, learned P.P. appearing for the respondent-State.

[3] Ms. P. Chakraborty, learned counsel submits before this Court that learned court below failed to consider that the person named Sri Bidyut Kumar Bhattacharya has no significance in this case and thus he cannot be a vital witness. Moreover, in the entire record, there is no whisper regarding the name of Bidyut Kumar Bhattacharya including the statements of alleged victim/complainant recorded under Section 161 and 164 Cr.P.C, other than that none of the witnesses have stated anything about the role of Bidyut Kumar Bhattacharya in the entire record. She further stated that learned court below without appreciating the fact passed the order for issuing summon upon Mr. Bhattacharya. Therefore, she prays to set aside the order.

[4] On the other hand, Mr. R. Dutta, learned P.P appearing for the State submits before this Court that the order passed by the learned Court below is just and proper and as such he urges before this court to dismiss the petition.

[5] In view of the above submission made by the learned counsel appearing for both the parties, this court has no hesitation to say that the petitioner has miserably failed to prove his case before this court and having devoid of merit the instant case is rejected and accordingly, the same is dismissed.

[6] With the above observation and direction, this present Criminal Revision Petition stands dismissed. As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Paritosh

RAJKUMAR
SUHANJIT
SINGHA

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SUHANJIT SINGHA
Date: 2024.09.30
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