

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.26 of 2025

Sri Ranjit Majumder, son of Sri Sunil Chandra Majumder of West Kanchanbari, P.S. Fatikroy, District- Unakoti Tripura, PIN-799288

.....Petitioner(s);

Versus

The State of Tripura

.....Respondent(s).

For Petitioner(s) : Ms. Piyali Chakraborty, Advocate,
Ms. Uttara Singha, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor,
Mr. Rajib Saha, Addl. Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

18/06/2025

Heard Ms. Piyali Chakraborty, learned counsel for the petitioner and Mr. Raju Datta, learned Public Prosecutor for the respondent-State.

2. Petitioner is an accused in SPL (POCSO) 26 of 2023. After closure of the prosecution evidence, his statement under Section 313(1)(b) of the Code of Criminal Procedure was recorded on 28.03.2025 [Annexure-A]. Petitioner filed an application for rectifying few errors in the answers mentioned in examination of the accused under Section 313(1)(b) of the Cr.P.C. The same was rejected by the learned Trial Court vide impugned order dated 10.04.2025 holding that Section 313 of the Cr.P.C does not provide any scope for rectification of the statement once recorded under Section 313 of the Code. The accused had, during course of examination, stated that he had understood the questions put to him. Further, he did not raise any objection on the date of examination to the aforesaid effect. Moreover, allowing the said petition would give scope for plugging the loopholes. Therefore, the petition was rejected.

Being aggrieved, the present petition has been preferred under Section 482 of the Cr.P.C.

3. Learned counsel for the petitioner submits that the questions were composite in nature which the accused was not able to properly understand and answer accordingly. This amounted to violation of principles of natural justice and caused prejudice to the petitioner. Therefore, the impugned order may be set aside and such corrections may be allowed to be made. Learned counsel for the petitioner has placed reliance upon paragraph 16 of a decision of the Apex Court in the case of **Nar Singh v. State of Haryana** reported in **(2015) 1 SCC 496**. She submits that it is open for the court to make good the defect and record additional statement of the accused as that would be in the interest of all if objections as to defective Section 313 Cr.P.C statement is raised. Therefore, the learned Court committed an error in refusing to allow such rectification.

4. Learned Public Prosecutor has drawn the attention of the Court to the petition for rectifying errors in the answers mentioned in the examination of the accused petitioner under Section 313(1)(b) of the Cr.P.C at Annexure-B. He points out that the petition does not refer to any complex and composite questionnaire which were placed before the accused while making his statement under Section 313 of the Code. The petition seeks rectification of few errors in the answers to question Nos.4, 7, 8, 31 and 35. Therefore, the prayer of the petitioner is misconceived. Moreover, a perusal of the relevant questions which have been properly answered by the accused after understanding the same does not show that these questions were in any way complex and/or composite in nature. It is further submitted that in the case of **Nar Singh** (supra), the Apex

Court observed that omission on the part of the Court to question the accused on any incriminating circumstance could vitiate the trial if material prejudice is shown to have been caused to the accused. Therefore, non-compliance with mandatory provision of Section 313 Cr.P.C. could be corrected by the learned Trial Court since justice suffers in the hands of the court. It is not alleged that any incriminating material has not been put to the accused while making his statement under Section 313 Cr.P.C. The accused-petitioner wants to rectify his answers to questions containing incriminating materials simply put to him. It is not a ground for the court to rectify statement recorded under Section 313 Cr.P.C. as per the ratio in the case of *Nar Singh* (supra)¹. Therefore, the approach of the learned Trial Court is not questionable. Hence, the present petition deserves no interference.

5. I have considered the submission of learned counsel for the petitioner and learned public prosecutor and taken note of the materials contextual to the issue raised in the present petition.

The examination of the petitioner accused under Section 313(1)(b) of Cr.P.C is elaborate as it appears from the recording of the examination of the accused at Annexure-A dated 28.03.2025 by the learned Special Judge (POCSO), Unakoti District. It is not the case of the petitioner that any incriminating material has not been put to him which could prejudice him and thereby vitiate the trial. Though it has been argued that the questions were composite and complex which the petitioner could not understand, but the formal prayer made by the petitioner for rectification [Annexure-B] shows that it was made for rectifying errors in his answers mentioned in his examination

¹ (2015) 1 SCC 496

under Section 313(1)(b) of the Cr.P.C. The petitioner does not in so many words allege that any of these questions No.4, 7, 8, 31 and 35 referred to therein were composite or complex in nature which ought not to have been made in view of a decision rendered by the Apex Court in the case of ***State of Punjab v. Swaran Singh*** reported in ***(2005) 6 SCC 101***. A perusal of the questionnaire also does not indicate as being composite and complex; rather it shows a simple narration of the incriminating facts being confronted to the petitioner. Exercise of powers as envisaged under Section 313 Cr.P.C expatiated in the case of ***Nar Singh*** (supra) is to remedy a situation where the Court has committed an omission to question the accused on any incriminating circumstance. That is not the case here. In such cases, since the error is on the part of the Court, the same has to be corrected or rectified even in appeal. In the present case, the accused cannot be allowed to improve upon the answers made after fully understanding the questions in order to plug his loopholes. Therefore, the power of the learned Trial Court emanating from Section 313 Cr.P.C. to make good the defect and record additional statement of the accused is not invokable in the present facts of the case. The ratio rendered in the case of ***Nar Singh*** (supra) does not fit in the present case of the petitioner. Therefore, this Court does not find any error in the impugned order. Accordingly, it is dismissed.

6. Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ

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