

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P. No.40 of 2025

Samir Naha, S/o Late Sankar Naha of Sepahijala, Kasbha, P.S. Bishalgarh,
District- Sepahijala, Tripura, present address at Nayapara, P.S. Dharmanagar,
District- North Tripura

.....Petitioner(s);

Versus

The State of Tripura

.....Respondent(s).

For Petitioner(s) : Mr. Kabrabam Dhirendra Singha, Advocate,
Ms. Ayesha Saha Hirawat, Advocate,
Mr. Arpan Jamatia, 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

11/07/2025

Heard Mr. Kabrabam Dhirendra Singha, learned counsel for the petitioner and Mr. Raju Datta, learned Public Prosecutor for the respondent-State.

2. Petitioner accused seeks recall of PW 17 – the female Investigating Officer who has been examined, cross examined and discharged. The learned Trial Court in the impugned order has copiously referred to the relevant portion of the prayer of the petitioner wherein the deposition of PWs 3, 6 & 8 have been extracted and held that PWs 3, 6 & 8 during cross examination readily admitted that what they stated before the Court during recording of their testimony are not there in their statements recorded by the IO and in the judicial statement. Petitioner wants to recall PW 17 – IO in order to refer to the relevant statements of these prosecution witnesses recorded by her under Section 161 of the CrPC in order to discredit the testimony of these prosecution witnesses.

3. Learned counsel for the petitioner submits that if further cross examination of IO is allowed, the petitioner would be able to bring out the inconsistencies in the statements of PWs 3, 6 & 8 during deposition and before the IO under Section 161 CrPC. Therefore, the prayer may be allowed.

4. Learned Public Prosecutor has strongly opposed the prayer. He submits that the whole purpose of discrediting the testimony of PWs 3, 6 & 8 is reflected from their own testimony which the learned Trial Court has also taken note of in the impugned order. Moreover, PW 17 has been examined after the examination of PWs 3, 6 & 8. Petitioner has neither any such necessity now to recall PW 17 in such circumstances, nor should the defence be allowed to fill up any lacuna or improve upon their case after they have been allowed sufficient opportunity to cross examine the said prosecution witnesses whereafter she was discharged. He has relied upon the case of **Swapan Kumar Chatterjee v. Central Bureau of Investigation** reported in **(2019) 14 SCC 328**.

5. On consideration of rival submission of parties and taking note of the aforesaid facts and circumstances, it is obvious from a perusal of the impugned order also that PWs 3, 6 & 8 during their cross examination have readily admitted that what they stated before the Court during recording of their testimony are not there in the statements recorded by the IO and in the judicial statement. This is what the petitioner accused seeks to fulfil by recalling PW 17. Moreover these witnesses have been duly examined and cross examined at length by the defence and there is no purpose in recalling PW 17 – the IO to further refer to such statements of PWs 3, 6 & 8.

6. In such circumstances, this Court does not find any error in the impugned order. The instant revision petition is accordingly dismissed.

(APARESH KUMAR SINGH), CJ



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