

**HIGH COURT OF TRIPURA
AGARTALA
Crl. Petn. No. 62 of 2025**

Sri Sudipta Paul,
S/O Sri Keshab Paul,
Resident of Durgapur Madhyapara,
P.S. Rajnagar, Dist-South Tripura,
Pin-799150.

---- Revision Petitioner(s)

Versus

- 1. The State of Tripura,**
- 2. Sri. Babul Sarkar,**
S/o Sri Kshitish Sarkar,
- 3. Sri Kshitish Sarkar,**
S/o Lt. Satish Sarkar,
- 4. Sri Bapi Sarkar,**
S/o Sri Kshitish Sarkar,
- 5. Smt. Archana Sarkar,**
W/o Sri Kshitish Sarkar,
- 6. Smt. Panna Dey (Sarkar),**
W/o Sri Bapi Sarkar,

All are residence of Prakash Nagar,
Rajnagar, PS-PR Bari,
South Tripura.



सत्यमेव जयते

---- Respondent(s)

For Revision petitioner(s)

: Mr. Saugat Datta, Adv.
Ms. Sulagna Nandy, Adv.

For respondent(s)

: Mr. Raju Datta, PP.
Mr. Pijush Kanti Biswas, Sr. Adv.
Mr. Rishiraj Nath, Adv.
Mr. Pujan Biswas, Adv.

Date of hearing &
Date of delivery of judgment

: 20.03.2026

Whether fit for reporting

: **No**

HON'BLE MR. JUSTICE BISWAJIT PALIT
Judgment & Order (Oral)

Heard Learned Counsel Mr. Saugata Datta and Learned Counsel Ms. Sulagna Nandy, appearing on behalf of the petitioner also heard Learned PP Mr. Raju Datta, appearing on behalf of the State of Tripura. Further heard Mr. Pijush Kanti Biswas, Learned Sr. Counsel assisted by Learned Counsel Mr. Rishiraj Nath, appearing on behalf of the respondents No.2-6.

2. This petition under Section 482 of the Cr. P.C. is filed by the present petitioner challenging the order dated 28.08.2025 passed by the Ld. Addl. Sessions Judge, South Tripura, Belonia in case No. ST(T-II) 17 of 2024. At the time of hearing Learned Counsel for the petitioner submitted that during investigation the IO of the case failed to record the statement of some of the material witnesses, namely, 1.Sri. Bapi Das, 2. Smt. Soma Paul, 3. Sri. Suman Paul and 4. Sri. Sagar Das who are the close relatives of the deceased and due to non-recording of the statement of those witnesses and non-citing of those witnesses, as witness in the chargesheet there is every possibility that the prosecution case will suffer and the victim would be prejudiced. So the petitioner filed the application for further investigation under Section 173(8) of Cr.P.C but the Ld. Court below did not consider the same and for that the petitioner has been compelled to file this petition before this Court for setting aside the said order.

3. Learned PP appearing on behalf of the State submitted that the petition which was rejected by the Learned Trial Court below was not annexed with the petition filed by the present petitioner and furthermore, from the petition and the connected documents nowhere it is found that the names of those persons to whom the informant intends to rely upon were disclosed during investigation. Even the informant also has not yet been examined by the Ld. Trial Court. So in such a situation there is very less scope to entertain the petition filed by the petitioner.

4. Learned Sr. Counsel appearing on behalf of the respondent accused persons submitted that the petition itself is not maintainable.

5. Heard both the sides at length.

6. Perused the record.

7. In this case the Learned Trial Court has framed the charges under Section 498/A & 304/B of IPC against all the respondents-accused persons and also another alternative charge under Section 302 read with Section 34 of IPC has been framed against all the respondents-accused persons by the Ld. Trial Court.

8. By this time evidence of seven numbers of witnesses have already been recorded by the Ld. Trial Court. Before the Ld. Jurisdictional Magistrate the IO submitted chargesheet on 03.09.2024 and by order dated 18.09.2024 Ld. CJM, South Tripura, Belonia took cognizance of offence under Section 498A/306 of IPC against respondent accused Babul Sarkar and

also under Section 498A/109 of IPC against other accused persons namely Kshitish Sarkar, Smt. Archana Sarkar, Bapi Sarkar, Smt. Panna Dey Sarkar and Smt. Sabita Sarkar. After that the case was committed and before the Ld. Trial Court the charge was framed as stated above.

9. It is surprising that how the petitioner filed the petition for further investigation before the Ld. Trial Court which was a Committal Court. At the time of hearing Learned Counsel for the petitioner could not explain anything in this regard. Furthermore, until and unless the names of those persons were revealed either from the evidence any of the witnesses, there is no scope to consider the same.

10. The petition was filed after a year. By this time evidence of seven numbers of witnesses have been recorded, the evidence of informant, i.e. the petitioner Sudipta Paul has not yet been recorded.

11. Since according to the informant those persons are material witnesses for decision of the case, so until and unless their names are revealed from the statement of the informant or any other material witness there is no scope to call upon those witnesses for recording their evidence. Even under Section 311 of Cr.P.C. there is scope of issuing summons to any persons or any witness.

12. The said power also has not been exercised by the petitioner. Perhaps that situation has not yet arisen. However, the petitioner ought to have filed the petition before the Ld.

Jurisdictional Magistrate immediately after filing of the chargesheet which he failed to do and in the opinion of the Court there was no such scope on the part of the Addl. Sessions Judge to entertain the petition filed under Section 173(8) of Cr.P.C.

13. In view of the above, I find no force on the application filed by the petitioner for want of merit. Accordingly, the same stands rejected. However, liberty is given to the petitioner to file appropriate petition to the concerned Court, in accordance with law.

14. Send down the record to Ld. Trial Court along with a copy of this order so that undue delay can be avoided.

14. With these observations, the present petition is disposed of.

Pending application(s), if any, stands also disposed of.

JUDGE

SATABDI DUTTA

Digitally signed by SATABDI DUTTA
Date: 2026.03.20 17:46:56 +05'30'

Satabdi