

THE HIGH COURT OF TRIPURA
AGARTALA

REV.PET. NO. 05 OF 2015

1. Shri Subash Debbarma,
Son of Sri Jagadish Debbarma,
Gauranga tilla, P.S. Kalyanpur,
District-Khowai.
2. Shri Pushpa Mohan Jamatia,
S/O. Debamohan Jamatia,
Vill. Dewanbari, P.S. Killa,
Udaipur, District-Gomati.

..... **Petitioners.**

- V e r s u s -

1. The State of Tripura,
Represented by the
Secretary, Home Department,
Government of Tripura,
Secretariat Complex,
P.O.-Kunjaban, Agartala.
2. The Director General of Police,
Government of Tripura,
PHQ, Agartala.
3. The Deputy Inspector General of Police,
(A.P. & Ops), Government of Tripura,
Agartala, West Tripura.
4. The Commandant,
Second Battalion, Tripura State Rifles,
R.K. Nagar, P.O. Khas Noagaon,
West Tripura.

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS

For the petitioners : Mr. D.K. Biswas, Advocate.

For the respondents : Mr. G.S. Bhattacharji,
Advocate.

Date of hearing and
delivery of judgment
and order. : 28.04.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

By means of this review petition, the petitioner has prayed for recalling of the judgment dated 21-01-2015 passed by this Bench.

2. The main grounds raised by Mr. D.K. Biswas, learned counsel for the petitioners, are:-

(i) That, in Rule 14(5)(c) of the CCS(CC&A) Rules, the word "may" should be read as "shall" and appointment of a presenting officer is mandatory in every cases, and not discretionary as held by this Court;

(ii) His second submission is that no defence assistant was appointed and, therefore, there is violation of the rules of natural justice.

3. A reading of the judgment, especially paras-11.4, 11.5, 11.6. 11.7 and 11.8 shows that this Court held that the word "may" has to be read as "may" and the appointment of a presenting officer is not mandatory. Whether this view is right or wrong is not to be commented on by us because in case, the petitioners are aggrieved, they can approach the Apex Court. The powers of review are limited to correcting errors which are apparent on the face of the record. Whether the word "may" should be read as "may" or "shall" is something which we have discussed

and which we feel should be read as “may” and, therefore, there is no error apparent on the face of this Court.

4. With regard to the second submission, in para-12.2 of the judgment we have noticed that on pages 82 and 83 of the record, both the petitioners in writing submitted that they did not get any defence assistant to conduct the case on their behalf and they agreed to defend their case by themselves. In such eventuality, we had come to the conclusion that the non-appointment of a defence assistant did not in this case vitiate the entire inquiry proceedings.

5. According to us, there is no error on the face of the record and, therefore, we find no merit in the review petition which is accordingly dismissed.

JUDGE

CHIEF JUSTICE