

Party Name : Birajit Sinha Vs State Of Tripura

THE HONBLE THE CHIEF JUSTICE (ACTING) THE HONBLE MR. JUSTICE S.C.DAS

Heard Mr. R. Dutta, the learned counsel for the appellant and Mr. R. C. Debnath, the learned Additional Public Prosecutor for the State.

In terms of the order dated 19.04.2016 passed in I. A No.243 of 2016 the application of the appellant for summoning the additional evidence was allowed and Dr. Niladri Sengupta was asked to appear before this Court today to give his evidence.

On being summoned, the Medical Officer concerned is personally appeared before us today. However, it will be more appropriate for the trial Court to record his evidence. Therefore, we direct the learned Additional Sessions Judge, Court No.5, Agartala to take the evidence of the Dr. Niladri Sengupta as and when the business of the Court permits in accordance with Section 391 of the Cr. P. C. The personal appearance of Dr. Niladri Sengupta is hereby dispensed with for the time being.

Transmit the L. C. Record(s) forthwith to the trial Court. Both the parties are directed to appear before the trial Court on 20th July, 2016 and the doctor concerned need not to appear on that day, but will appear as and when required by the trial Court. After recording the evidence, the trial Court will return the file along with the evidence so recorded to this Court.

Needless to say, the evidence of the Medical Officer shall be recorded in the presence of the appellant-accused unless his appearance is otherwise dispensed with by the trial Court