

**17.06.2021**

Sl. No. 27.

Mithun

Ct.No.42.

**CRR/283/2018**

**(Via Video Conference)**

In re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of: **Golam Rahaman.**

**...petitioner.**

Mr.Prosenjit Mukherjee, Adv.

...for the petitioner.

Mr.Rana Mukherjee, Adv.

Mrs.Sujata Das, Adv.

...for the State.

Mr.Prasenjit Mukherjee, learned Advocate for the petitioner is present.

Mr.Rana Mukherjee and Ms.Sujata Das, learned P.Ps.-in-Charge are present in Court. They are requested to assist this Court in the instant matter to which they have agreed. The appointment of Mr. Mukherjee and Mrs. Das be regularized.

The instant criminal revision has been filed against an order dated 18.12.2017 passed by the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

It is necessary to state two following facts to dispose of the instant criminal revision. On the basis of a written complaint filed by the de facto complainant/petitioner, Rampurhat Police Station Case No.165 of 2017 dated 28<sup>th</sup> May, 2017 was started. On completion of investigation police

submitted charge sheet on 30<sup>th</sup> September, 2017 before the Court of the learned Additional Chief Judicial Magistrate, Rampurhat against the accused person under Section 341/323/506/34 of the Indian Penal Code.

Being aggrieved the de facto complainant filed a naraji petition praying for further investigation of the case. Amongst various grounds, it is contended by the de facto complainant that in the charge sheet, the Investigating Officer failed to examine the vital witnesses and omitted their names from the list of witnesses.

Mr. Mukherjee submits that if the instant criminal revision be disposed of with a direction to the Trial Court to favourably consider an application under Section 311 of the Code of Criminal Procedure for examination of the witnesses who are left out in the charge sheet by the de facto complainant or the prosecution, his grievance will be satisfied.

Mr. Mukherjee further submits that if such application is filed during trial by the de facto complainant with the concurrence of the prosecution, the Trial Court shall adjudicate the same according to law.

In view of such submission made by Mr. Prasenjit Mukherje, learned Advocate for the petitioner and the learned P.P.-in-charge Mr. Rana Mukherjee, the instant criminal revision is disposed of with the following directions:-

The learned Additional Chief Judicial Magistrate shall commence trial of the case without delay. After examination of

charge-sheeted witnesses, if the de facto complainant in concurrence with the prosecution files an application for examination of some additional witnesses who are not charge-sheeted, the Trial Court shall consider such application according to law and dispose of the same. If the said application is allowed by the Trial Court, the prosecution will get opportunity to examine the witnesses who are left out in the charge-sheet.

The parties are directed to act upon the server copy of the order.

**( Bibek Chaudhuri, J. )**