

Sl. 62
30.9.2021
Court No.26
SD

CRR 4079 of 2008
(Via Video Conference)

In the matter of: Laltu Sahu

... Petitioner.

Mr. Samiran Mandal
Mr. Abhinaba Dan

...for the Petitioner.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

Counsel appearing on behalf of the petitioner places the impugned order dated September 10, 2008.

Upon perusal of the order, it appears that the learned Additional Chief Judicial Magistrate examined only one witness and upon examination of the witness held that there was no reason to investigate the case any further.

It has been pointed out by the counsel for the petitioner that the complainant was not examined and without such examination the closure report submitted by the Investigating Officer should not have been accepted by the Magistrate.

State is represented.

Upon considering the materials placed on record, I am of the view that this revisional application should be allowed with a direction upon the learned Additional Chief Judicial Magistrate concerned to examine the defacto complainant and thereafter pass a reasoned order.

I make it clear that this order is predicate on the fact that defacto complainant has not been examined as submitted by the counsel for the petitioner.

The department concerned is directed to communicate the order passed in Court today to the Court below. The department shall ensure that acknowledgement of receipt of their communication is received. Report of compliance to be placed before this Court after three weeks.

(Shekhar B. Saraf, J.)