

Mr. Saswata Gopal Mukherji Ld. PP,
Mr. Swapan Banerjee,
Mr. Suman De.
....for the petitioner.

This is an application challenging an order dated 09.12.2021 passed by the learned Additional Sessions Judge, 3rd Court, Alipore, South 24-Parganas directing the Officer-in-Charge, Patuli Police Station to remain present personally before the Court along with PW-1 for cross-examination in connection with SC Case No.03(11)2018 corresponding to ST Case No.14 of 2019.

Supplementary affidavit incorporating a copy of the order sheet, as filed in Court, is taken on record.

Learned Public Prosecutor, assisted by Mr. Swapan Banerjee, learned counsel, represents the State and submits as follows. In the present case, PW-1, Namita Purkait was found absent on a few dates. The learned Trial Court was pleased to direct the Officer-in-Charge to be present in Court personally and to ensure the attendance of the witness. This was repeated on a number of occasions. In the process, the other obligations and duties of the Officer-in-Charge of Patuli Police Station, are getting compromised. It would be in the interest of justice that, if the learned Trial Court insists upon the presence of a police officer to ensure the attendance of the prosecution witness no.1 before the learned Trial Court, then either the investigating officer of the case or any other officer of the same rank may be deputed to do the needful. The presence of the Officer-

in-Charge may be excused on the next date of hearing i.e. on 9th February, 2022 and on subsequent dates.

I have heard the learned Counsel appearing on behalf of the petitioner and have perused the revision petition.

It appears from the order sheet that on several occasions, the Officer-in-Charge of Patuli Police Station was asked to appear personally before the learned Trial Court to ensure the attendance of PW-1.

The concern of the learned Trial Court in ensuring the smooth running of a trial is quite understandable. In order to ensure the attendance of witnesses, if a learned Trial Court directs an officer of the police force to accompany a witness, he cannot be faulted with that.

However, a balance needs to be struck with the other duties and obligations of a police officer and in this particular case, the Officer-in-Charge of Patuli Police Station.

But, if the Investigating Officer of the case is directed to perform such duty of accompanying a witness, it may cause apprehension in the mind of the accused about possible exercise of undue influence.

Therefore, I find it expedient to have an Officer from the Reserved Forces of the police for the particular district to accompany the witness to the trial Court or to ensure the attendance of such witness on a particular day before the Trial Court, if so required.

In view of the above, the impugned order is modified to the following extent. The Officer-in-Charge of Patuli Police Station need not appear before the learned Trial Court on the next date i.e. on 09.02.2022. Instead, an Officer of the rank of a Sub-Inspector of Police from the Reserved Police of the particular district may accompany the witness before the learned Trial Court on that date.

Thereafter, it shall be open to the learned Trial Court to direct such Officer of the rank of Sub-Inspector from the Reserved Police of the particular district to accompany the witness to the Court, if necessary. To ensure compliance of such order, such officer may seek the assistance of the local Police Station.

With these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

The parties shall act on a server copy of this order downloaded from the official website of this Court.

(Jay Sengupta, J.)