

05.12.2022
S/L No.5
KS

C.R.R. 179 of 2021
Sk. Nasiruddin
-Vs.-
The State of West Bengal & Ors.

The subject-matter of challenge relates to the order dated 05.03.2020 passed by the Learned Additional District and Sessions Judge, 2nd Court, Purba Midnapur wherein the Learned Court was pleased to reject the prayer of the de facto complainant for expunging the name of some of the charge-sheeted witnesses.

I find that in the impugned order the Learned Sessions Court was pleased to observe that from the records it reflect that the investigation of the case has already been completed and police authorities have submitted charge-sheet dated 26.10.2019 under Sections 376AB/ 511 and 506 of the Indian Penal Code read with Section 34 of the Indian Penal Code against eight accused persons. The prayer for expunging the name of some of the charge-sheeted witnesses, as prayed for by the de facto complainant cannot be a subject-matter of consideration by the Trial Court. In view of the fact that it is prerogative of the prosecution whom to produce as a witness in order to substantiate its case.

I find that the order was passed on 05.03.2020 more than 30 months have been passed in the meantime. Records also reflect that charge has already been framed against the accused persons and dates were fixed for recording evidence of the witnesses.

Having regard to the nature of prayer so advanced before this Court, I find that at this stage after 30 months there is no scope for interference.

Accordingly, C.R.R. 179 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)