

20.09.2022

Item No.56
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 547 of 2021

**Sri Gobinda Ghosh
versus
Sri Sukumar Ghosh & Ors.**

In Re: An Application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973.

Mr. Dipanjan Chatterjee,
Mr. Prabir Majumder,
Ms. Puja Kar ... For the Petitioner.

Md. Anwar Hossain,
Ms. Manisha Sharma ... For the State.

Report dated 19.09.2022 submitted by Mr. Anwar Hossain, learned advocate appearing for the State be kept on record. On appraisal of the same, I find that the name of Goutam Ghosh is appearing in the letter of complaint addressed to the Officer-in-Charge. The said Goutam Ghosh is injured according to the statement of the complainant. The charge-sheet does not reflect that Goutam Ghosh is made a witness in the case nor the medical documents relating to the said injured has been collected. The petitioner has also made allegations in respect of non-examination of Arjun Ghosh, Hari Ghosh, Sanatan Ghosh and Palash Ghosh who were also present on the spot.

The Officer-in-Charge of the concerned police station will depute an officer of his choice who would record the statement of the witnesses, collect the documents, if any and arrive at his finding and submit a supplementary report

under Section 173 of the Code of Criminal Procedure before the learned trial court which is in seisin of the matter.

Needless to state that the approach of the public prosecutor as well as the endorsement of the same by the learned trial court is not acceptable to this Court. The *de facto* complainant is obviously a party to the litigation who has anxiety regarding the outcome of the case. At the first blush, the *de facto* complainant cannot be thrown away from the court.

However, as directed above, the aforesaid individuals would be examined on the documents collected and preferably by 15.11.2022, the supplementary report be submitted before the learned trial court in seisin of the matter.

With the aforesaid observations, the revisional application being CRR 547 of 2021 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)