

D/L 1
March 16,
2022
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CRR No.755 of 2020

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure, 1973;

Pampa Das (Pramanik)
Versus
The State of West Bengal & Ors.

Mr. Sourav Chatterjee.
...for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.
...for the State.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder.
...for the opposite party nos.2 to 8.

The investigating officer of the case is present in Court.
His further appearance stands dispensed with.

Report submitted by the Additional Superintendent of
Police (HQ) Sundarban Police District be kept with the record.

From the report, it reflects that in course of investigation
there was involvement of medical practitioners associated with
Kakdwip Sub-Divisional Hospital, Diamond Harbour Sub-Divisional
Hospital and S.S.K.M Hospital, Kolkata as well as the opinion
obtained from the head of the department of Plastic Surgery of
S.S.K.M. Hospital, Kolkata. The report also reflects that a Medical
Board was formed and there are treatment-sheets of AMRI Hospital,
Kolkata and Fortis Hospital, Kolkata.

It has been submitted that the investigating authorities are having custody of the photostat copies of the medical documents. The originals of which are lying with the present petitioner being the defacto complainant.

In view of the report submitted by the Superintendent of Police, I am of the opinion that the all the medical original documents which the petitioner has in her possession would by way of an application/petition be filed before the learned ACJM, Kakdwip. The learned ACJM, Kakdwip will consider this to be an additional evidence of the case. At the stage of supply of documents under Section 207 of the Code of Criminal Procedure, copies of the same would be supplied to the accused/opposite parties. Learned Magistrate would thereafter take into account regarding the applicability of the sections as to whether any of the offences relating to Chapter XVI of the Indian Penal Code has been made out or not. The learned Magistrate would thereafter proceed with the case in accordance with law.

The Member Secretary, West Bengal Legal Aid Services Authorities is directed that if the defacto complainant is unable to engage a lawyer in the trial court, the Member Secretary would take steps so that she is represented at relevant point of time.

Needless to state that the learned Magistrate would independently take his decision without being influenced by any of the observations made by this Court in this revisional application.

With the aforesaid observations, CRR 755 of 2020 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)