

D/L80
March 16,
2022
Bpg.

C.R.R. No.975 of 2020

In Re: An application under Section 482 of the Code of Criminal Procedure;

Sanat Kumar Chandra
Versus
The State of West Bengal & Ors.

Mr. Rana Mukherjee.
...for the petitioner.

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee.
...for the opposite party no.2.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

The present petitioner being the defacto complainant is aggrieved by the fact that even the investigating officer of the case has not been examined by the trial court.

Although, the present revisional application was preferred for examination of all the witnesses whose evidence was closed, but Mr. Mukherjee, learned advocate appearing for the petitioner submits that, for the interest of justice, it would suffice if the investigating officer of the case is examined prior to proceeding to the next stage of the case under Section 313 of the Code of Criminal Procedure.

I find the prayer is innocuous as the investigating officer of the case is essential to be examined for just decision of the case. Accordingly, the public prosecutor conducting the trial of the

instant case would fix a date preferably on the 3rd week of April, 2022 for the investigating officer to appear as a witness before the court. The trial court would fix alternate day for evidence of the investigating officer till his examination-in-chief and cross-examination is over. In case the investigating officer is not present pursuant to information received from the court, the learned trial court would direct the superior police officer or in the alternate exhaust harsher process of law for securing the appearance of the said witness.

With the aforesaid observations, CRR 975 of 2020 is disposed of.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

Learned advocate for the State is directed to communicate this order to the learned court below through the learned public prosecutor conducting the case.

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

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

(Tirthankar Ghosh, J.)