

D/L 16
March 16,
2022
Bpg.

CRR No.2574 of 2019

In Re: An application under Section 401/397 read with 482 of the Code of Criminal Procedure, 1973;

Raktim Dey & Ors.
Versus
The State of West Bengal & Anr.

Mr. Anirban Dutta,
Ms. Priyanka Mukherjee.
...for the petitioners.

Mr. Saswata Gopal Mukherjee, Ld.P.P.,
Ms. Faria Hossain,
Mr. Anand Keshari.
...for the State.

Mr. Sumanta Chakraborty.
...for the opposite party no.2.

Mr. Anirban Dutta, learned advocate, appears for the petitioners.

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor, appears for the State and submits a report of the Superintendent of Police, Barasat Police District.

Let the report be kept with the record.

Report reflects that a supplementary charge-sheet has been filed before the jurisdictional court. The documents under Section 207 of the Code of Criminal Procedure of the supplementary charge-sheet are yet to be submitted to the present petitioners.

Mr. Sumanta Chakraborty, learned advocate appearing

for the opposite party no.2 submits that the medical documents which were available have not been collected in course of the investigation.

I have considered the contentions advanced by each of the parties.

In view of the supplementary charge-sheet filed before the jurisdictional court, I am of the opinion that there has been change of circumstances and, as such, the petitioners should be granted an opportunity to agitate the points canvassed in this revisional application after taking into account the supplementary materials collected by the investigating agency which has been filed by way of supplementary charge-sheet before the learned Magistrate, if so advised, at the stage of Sections 239/240 of the Code of Criminal Procedure.

In view of the submission made by the private opposite party no.2 and a communication which is available over there in the brief facts of the supplementary charge-sheet that the complainant was admitted in a nursing home, I am of the opinion that if the medical documents relate to any stage prior to registration of the FIR, the same by way of additional evidence could be produced before the court. Whether the same should be admitted or not would be exclusive discretion of the learned trial court.

With the aforesaid observations, CRR 2574 of 2019 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.)