

April 26, 2023
AD – 42
Ct. 34
SG

CRR 1515 of 2021

In Re. An application under Section 482 read with Section 397 of the Code of Criminal Procedure, 1973.

Smt. Arpita Guin
-versus-
The State of West Bengal and others

Mr. Soumyajit Das Mahapatra
Mr. Shamim Ul Bari
Mr. Ali Ahsan Alamgir
Ms. Madhurai Sinha
... for the petitioner.

Mr. Arijit Ganguly
Ms. Debjani Sahu
... for the State.

Mr. Indranil Roy
Mr. Sunit Kumar Roy
... for the private opposite parties.

The revisional application was filed in connection with Dubrajpur PS Case No.07 of 2016 dated 14.01.2016. On conclusion of investigation in connection with the instant case, charge-sheet submitted under Sections 341/354/506/34 IPC.

The complainant has approached this Court with her grievance that there is a video recording which was brought to the notice of the investigating agency and the investigating agency refused to rely upon the same as evidence.

Learned advocate appearing for the private opposite parties opposes the contention and submits that the incident has been exaggerated and the petitioner being a teacher of same school has falsely implicated other teachers in connection with the instant case.

Mr. Arijit Ganguly, learned advocate appearing for the State has produced the case diary and submitted that the evidence of the case has commenced.

Having regard to the present stage of the proceedings after 7 years of charge-sheet having been submitted, it would not be fit and proper to send the clock back.

Having regard to the anxiety expressed by the petitioner that in spite of evidence being available, the police authorities are reluctant to accept the same, I direct that if the petitioner by way of additional evidence in course of the trial intends to adduce such video recording in its original form by which it was recorded, learned Magistrate would under Section 311 Cr.P.C. allow such additional evidence to be adduced. The inspection in respect to the contents may be given to the accused persons prior to the same being produced in evidence.

With the aforesaid observations, CRR 1515 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)

