

06.07.2023
rc/ct.no.34
Item No.53

CRR No. 3767 of 2022

**Re : An application under Section 482 read with Section 401
of the Code of Criminal Procedure.**

**Tanmay Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Ivan Roy
Mr. Debanshu Bandhu
Mrs. Supran Dey ...for the petitioner

The subject matter of the present revisional application is a challenge relating to the order dated July 25, 2022 which relates to an application under Section 310 of the Code of Criminal Procedure being preferred at the instance of the accused/petitioner. The learned Trial Court by assigning its reason dismissed such application.

I find from the enclosure made to the revisional application that the Investigating Officer of the case was cross-examined and emphasis was laid by the accused/petitioner in cross-examination regarding the difference in place of occurrence which according to the petitioner/accused is at a different place from what it has been shown in the sketch map which has been admitted in evidence in connection with the instant case. If the defence is able to show by oral evidence/ocular evidence or documentary evidence regarding the Investigating Officer's drawing of the sketch map being faulty thereby establishing a different location in respect of the place of occurrence it is for the Court to appreciate at the final stage of arguments of the case. The said point is kept open. But so far as the issue relating to the

rejection of the application under Section 310 of the Code of Criminal Procedure is concerned the learned Trial Court has rightly dismissed the same and as such no interference is required.

As stated above defence would take up the issue relating to the alteration of place of occurrence at the time of final arguments of the case which the learned Trial Court would consider in the back grounds of the case and in its proper perspective without being influenced by any observation made in this order.

With the aforesaid observation this revisional application being CRR No. 3767 of 2022 is disposed of.

The connected application, if any, stands disposed of accordingly.

There shall however be no order as to costs.

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

(Tirthankar Ghosh,J)