

D/L270  
17.11.2023  
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C.R.R.3877 of 2023

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

Sayantan Kabiraj  
Versus  
The State of West Bengal and another

Mr. Jayanta Narayan Chatterjee  
Mr. Supreem Naskar  
Mr. Bhaskar Mondal.  
...for the petitioner.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the prosecution case hinges on the factum of whether the rank of the petitioner is 953 or 18953. It has been submitted that the petitioner has downloaded copy of the rank card from the official website. The petitioner was a student at the relevant point of time and has not only been falsely implicated in connection with the instant case, but his career has been jeopardised.

Learned advocate further submits that the OMR sheet would come to the aid of the petitioner and would reveal whether the rank as has been reflected in the rank card is in consonance with the number which he has obtained.

It is for the prosecution to prove its case on the basis of documents which they have collected. If at any stage the learned trial court feels that the said OMR sheet is required, it would be absolutely discretion of the learned trial court whether to call for

such OMR sheet or not. This Court at this stage cannot dictate the terms at which the trial court should proceed.

With the aforesaid observations, CRR 3877 of 2023 is disposed of.

Pending connected applications, if any, are consequently disposed of.

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

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

**(Tirthankar Ghosh, J.)**