

16.06.2023

Item No.62

Ct.No.34

Sayandeep

C.R.R. 4726 of 2022

**Shreya Bose
versus
The State of West Bengal**

Mr. Pinak Mitra
Ms. Ariba Shahab

... For the Petitioner.

Mr. Arijit Ganguly
Ms. Ratna Ghosh

.....for the State

The petitioner is directed to serve a copy of the revisional application upon Mr. Arijit Ganguly, learned advocate who ordinarily appears on behalf of the State. His appointment should be regularized by the concerned authority.

Learned advocate appearing for the petitioner is aggrieved by the order passed by the learned Additional Sessions Judge 2nd Court, Hooghly turning down her prayer for further investigation particularly with regard to the recording of the Statement under Section 164 of the Code of Criminal Procedure. The learned Sessions Court specifically observed that earlier statement was recorded under Section 164 Cr.P.C. but presently she want to give another statement under Section 164 Cr.P.C. as she has assigned reason that she was under the influence when she initially gave a statement before the learned Magistrate under Section 164 Cr.P.C. The same is an explanation which the applicant wants to bring in evidence. Section 164 Cr.P.C. is not a right but the investigating agency for the purposes of obtaining corroborating evidence complies with such procedure. In

case there are certain deviation, anomalies, circumstances which the applicant wants to bring in evidence, the same purpose would not be served by another statement under Section 164 Cr.P.C. It has been informed that the evidence of the applicant is yet to be recorded, accordingly, I direct that the applicant would be at liberty at the stage of evidence to give her explanation, narration of facts, circumstances which she deems fit and proper before the learned Court in course of the trial.

With the aforesaid observations, CRR 4726 of 2022 is disposed of.

Pending applications, 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.)