

31.01.2024

Item No.67
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 165 of 2024

**Md. Anowar Hossain
versus
Motiur Rahaman & Ors.**

Ms. Busra Khatun ... For the Petitioner.

The present revisional application has been preferred challenging the order dated 10.04.2023 passed by learned Judicial Magistrate, 3rd Court, Suri, Birbhum. Date was fixed for examination of CSW-8. An application was preferred by a person stating to be Ambika Dutta, the scribe of the FIR and contending that somebody else was examined by the court.

Learned Additional Public Prosecutor raised objection and contended that the person responded to the summons and appeared before the court.

Be that as it may, the witness sought to be examined is scribe of the FIR. If the letter of complaint has been marked as an exhibit, the role of scribe of the FIR is hardly of any relevance as it is a settled proposition of law that FIR is not a substantive piece of evidence. The court at the end of the trial is supposed to consider the totality of the circumstances.

Having regard to the reasons so assigned by the learned Judicial Magistrate, 3rd Court, Suri, Birbhum, at this belated stage, I do not find any reason to delay the trial of a case which commenced in the year 2006.

Accordingly, the revisional application being CRR 165 of 2024 is dismissed.

Pending connected 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.

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

(Tirthankar Ghosh, J.)