

M/L107
06.05.2024
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C.R.R.1863 of 2024

In Re: A petition under Sections 397/401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Lakshman Prasad Agarwal @ Laxman Pd. Agarwal
Versus
Ramesh Kumar Gupta

Mr. Ayan Bhattacharya
Mr. Prittish Chandra
Mr. Anujit Mukherjee.
...for the petitioner.

Mr. Soumya Basu Roy Chowdhuri.
...for the opposite party.

Petitioner has prayed for exercise of the provisions under
sub-Section 5 of Section 313 of Cr.P.C. which is as follows:

“The Court may take help of Prosecutor and
Defence Counsel in preparing relevant questions which
are to be put to the accused and the Court may permit
filing of written statement by the accused as sufficient
compliance of this section.”

In view of the case being summons procedure and there
being hardly any complaint so far as the present petitioner is
concerned, I direct the learned Magistrate to adhere to the said
provisions by providing questions in respect of the proposed
incriminating materials appearing against the present petitioner
under Section 313 of Cr.P.C. to the learned advocate representing
the petitioner. Learned advocate would within a week from the date

so fixed with the answers by way of affidavit or in the necessary guidelines set out under sub-Section 5 of Section 313 of Cr.P.C. handover to the learned Magistrate/trial court in seisin of the matter being complaint case No.85C/of 2019.

With the aforesaid observations, CRR 1863 of 2024 is disposed of.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)