

14.11.2024
rc/ct.no.34
Item No.35

CRR No. 1978 of 2024

In the matter of : Rakesh Mondal

.....Petitioner

Mr. Sabir Ahmed
Mr. Amit Karmakar
Mr. T. Ahmed
Mr. Dhiman Banerjee

...for the Petitioner

Mr. Debasish Roy, Ld. PP
Mr. Arijit Ganguly
Ms. Sreemayi Roy

..for the State

Report submitted by the learned Trial Judge through the learned Registrar (Judicial Service, High Court, Calcutta) is taken on record. Report reveals that the statement of victim has been recorded under Section 164 of the Code of Criminal Procedure with the aid of a professional special educator, Rajani Banerjee having RCI registration no. CRR No. 1A 69473 and the special educator put her signature in the said statement.

The petitioner who is the accused before the learned Trial Court is aggrieved by the order passed by the learned Trial Court on March 23, 2024 in ST No. 2(6) of 2023 wherein the learned Trial Court has allowed the prayer of the Investigating Officer for appointment of special educator/interpreter during the evidence of the victim.

Learned counsel for the petitioner submits that the learned Trial Court held the victim to be specially abled person without

considering any medical document in this regard or without calling for the same.

The order impugned suggests that the learned Trial Court perused the medical reports of the victim for the year 2014 and 2021 in course of passing the order. Since the said reports were prepared prior to lodging FIR and cannot be said to be manufactured for the purpose of the case, the reports, in my considered view, can be safely relied upon.

In view of the above, this Court does not find any illegality or irregularity in the order impugned which requires intervention of this Court.

Accordingly, the revisional application being CRR No. 1978 of 2024 is dismissed.

However, the petitioner shall be at liberty to cross examine the victim at the appropriate stage of the proceedings.

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

(Suvra Ghosh,J)