

29.04.2024

Court No.32

Item.18

(Srimanta)

CRR/3983/2017

In Re: An application under Sections 397/401 read with Section 482 of the Code of Criminal Procedure

And

In the matter of: **Tarun Kanti Sarkar**

...Petitioner.

1. Nobody appears on behalf of either of the parties on call.
2. This case pertains to the year 2017.
3. The instant revisional application filed by the petitioner under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 praying for setting aside the order dated 16.11.2017 passed by the learned Additional Chief Judicial Magistrate, Bishnupur, Bankura in GR Case No. 233/2012 under Section 269 of the Indian Penal Code, 1860.
4. The brief facts of the case are relevant for disposal of this case. On the basis of an application filed under Section 156(3) of the Code of Criminal Procedure, 1973, Bishnupur Police Station Case No. 32/2012 dated 17.03.2012 under Section 269 of the Indian Penal Code, 1860 was registered for investigation on the basis of direction passed by the learned Additional Chief Judicial Magistrate, Bishnupur. The said case was subsequently registered as GR Case No. 233/2012. After conclusion of investigation, the investigation agency filed a charge-sheet being Charge-sheet No. 124/2012 on 31.12.2012 under Section 269 of the Indian Penal Code against one Dr. Mritunjoy Paul. After considering the said charge-sheet cognizance was taken and trial has been commenced. During trial,

one Barun Dutta and the petitioner were examined as P.W. 1 and 2 respectively. During examination, the petitioner/de facto complainant filed an application before the Trial Court asking for copies of the statements recorded under Section 161 of the Code of Criminal Procedure to assist the Public Prosecutor. The said prayer was rejected by the learned Court below. Accordingly, the revisional application has come up before this Court for disposal.

5. Having considered the case of the petitioner, this Court does not find any illegality in rejection of such prayer when the trial has already been commenced and his examination has been taken by the Trial Court. As the case was initiated on the basis of the direction of the learned Additional Chief Judicial Magistrate, Bishnupur, charge-sheet was submitted and subsequently trial was started. The question of providing the documents relating to the charge-sheet is not required to be supplied to the petitioner/de facto complainant. There is no such provision in the Code of Criminal Procedure to supply the copies of the statement recorded during the investigation to the de facto complainant. There is a provision to supply copies of police report and other documents to the accused person under Section 207 of the Code of Criminal Procedure. In view of the facts, the impugned order under challenge is devoid of merit. The order passed by the learned Trial Court is correct and found there is no error in jurisdiction or law.

6. Accordingly CRR/3983/2017 is devoid on merit. Consequently, CRR/3983/2017 is, thus, dismissed without order as to costs.

7. Interim order, if any, stands vacated.

8. Let a copy of this order be communicated to the learned Trial Court for information.

(Ajay Kumar Gupta, J.)