

08.03.2024
Serial no. 2
[G.S.D]

CRR 4987 of 2023

In the matter of : Gopal Chandra Nayak
... .. Petitioner

Mr. Arun Kumar Maiti
Ms. Kaberi Sengupta Mohanty
Mr. R. R. Mohanty
Ms. S. Ghosh
Mr. Shivam Saha
... for the petitioner

Ms. Subhasri Chatterjee
... for the respondent nos. 5 and 6
Mr. Rana Mukherjee
Ms. Sujata Das ... for the State

Report submitted by the officer in charge of Beniapurkur P.S. reflects that date for evidence was fixed by the Id. Court on 17.5.2022 in connection with Beniapukur P.S. Case No. 228 of 2021.

Report reflects that accused persons challenged the seizure list dated 25.8.2021 and to that effect filed a petition.

Report also reflects that on 17.10.2022, the defacto-complainant filed a petition for recording confessional statement of the witnesses under section 164 of the cr.p.c., whose statements were already recorded by the investigating officer under section 161 of the cr.p.c.

Report do not reflect that any further investigation has commenced or there was any direction upon the investigating agency to conduct further investigation.

Once date for evidence has been fixed for framing of charge, seizure list, which have been accepted, can be objected to in respect of its admissibility and the test of veracity of the document can be considered at the final stage of the arguments of the case. No petition is required to be filed or if any petition is filed the same should be kept for consideration at the time of final argument of the case.

So far as the petition of the defacto-complainant is concerned for recording the statement of witnesses under section 164 of the cr.p.c., who have been examined by the investigating agency under section 161 of the cr.p.c., the same is a frivolous application and should be deemed to be rejected in view of the fact that the complainant is not a master of any investigation and it is the investigating authority who would decide whether to record the statement under section 164 of the cr.p.c. or not.

The domain of the investigating agency cannot be taken away in any manner by the defacto-complainant.

Having regard to the fact that the evidence has already commenced, I direct the Id. Magistrate in seisin of the matter that on and from 16.3.2024, the Id. Magistrate would fix one date in a month for the purpose of the present

case so that trial of the case can be taken to its logical conclusion within a reasonable period of time.

No unnecessary adjournment be granted to either of the parties. Ld. Public Prosecutor conducting the case will produce the materials, exhibits and documents on the date so fixed for examination of the witnesses concerned. All stakeholder will cooperate with the Id. Trial court for concluding the trial at the earliest.

With the aforesaid observations, CRR 4987 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Report so submitted by the inspector in charge of Beniapukur P.S. be kept with the record.

The earlier direction reflects that the officer in charge of Beniapukur P.S. was directed to be present in court with a report, the same has been submitted, further appearance of the officer-in-charge of Beniapukur P.S. is dispensed with.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)