

April 24, 2024
AP (80)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 145 of 2024

Rajesh Singh @ Tongbram Singh @ Rajesh Sing & Ors.
Vs.
The State of West Bengal

Adv. Hillol Saha Poddar,
Adv. Mosumi Das,

...for the petitioners.

Adv. Nilay Chakraborty, Ld. A.P.P.
Adv. Namrata Das,

...for the State.

In the present application under Section 482 of the Code of Criminal Procedure, the petitioners pray inter alia for setting aside the order passed by the learned Additional Session Judge 2nd Court, Siliguri on 13th March, 2024 in Sessions Case No. 34 of 2018. By the said order, the learned Court granted opportunity to the petitioners (accused) to furnish details of the witnesses they wanted to examine and accordingly submit summons within two days therefrom.

Upon completion of evidence led by the prosecution, the accused-petitioners filed an application before the learned trial Court under Section 311 of the Code seeking examination of the doctors who treated them at the hospitals soon after the incident. By an order passed on 4th March, 2024, the learned trial Court directed the Investigation Officer to produce the names of all the doctors who treated the accused-petitioners along with relevant documents. The I.O. was not able to furnish the said names despite sending a requisition to the Superintendents, Siliguri District Hospital and

North Bengal Medical College and Hospital. By the order impugned, the learned trial Court has held that since the I.O. is not aware of the names of the doctors despite best efforts, the accused-petitioners be given an opportunity to furnish such details and submit summons accordingly.

In my considered view, since the accused-petitioners were treated by doctors in Government hospitals, such treatment ought to have been part of the investigation held by the I.O. Surprisingly, the doctors who treated the accused-petitioners were not made witnesses in the charge sheet and the relevant documents pertaining to their treatment were also not produced.

Allegation against the accused-petitioners is extremely serious in nature.

Learned counsel for the petitioners submits that the doctors are required to be examined by the petitioners for the purpose of proper adjudication of the case.

Since the names of the attending doctors have not been furnished by the I.O. during investigation, the I.O. be directed to produce the names of the doctors who attended the accused-petitioners at both the hospitals along with the relevant documents in connection with such treatment before the Learned trial Court within 30th April, 2024.

Upon receipt of the same, summons be submitted before the learned trial Court for examination of the witnesses by the accused-petitioners.

Learned counsel for the petitioners submits an undertaking to the effect that the accused-petitioners shall not pray for bail before the Hon'ble Division Bench on the ground of delay in disposal of the matter on this score.

The application being C.R.R. 145 of 2024 is accordingly allowed.

The order impugned dated 13th March, 2024 is set aside.

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

(Suvra Ghosh, J.)