

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

CRR 686 of 2025
Pradip Bera
Vs.
The State of West Bengal & Anr.

With

CRR 2480 of 2025
Pradip Bera
Vs.
The State of West Bengal & Anr.

For the Petitioner	: Mr. Soumik Dey Mr. Subhomoy Paul Mr. Saikat Pal Mr. Kazi Ardan Ali Ms. Rika Das
For the de-facto complainant	: Mr. Sourat Nandy Mr. Supriyo Shasmal
For the State in CRR 686/2025	: Mr. Suman De Mr. Soumya Basu Roy Choudhuri
For the State in CRR 2480/2025	: Mr. Anand Keshari Mr. Prakash Mishra
Heard on	: 20.08.2025
Judgment on	: 20.08.2025

Jay Sengupta, J.:

Two connected applications are taken up for hearing together.
CRR 686 of 2025 challenges an order directing addition of the present

petitioner as an accused under Section 319 of the Cr.P.C. while CRR 2480 of 2025 challenges the consequent order directing issuance of warrant of arrest against the petitioner.

Affidavit of service filed on behalf of the petitioner in CRR 686 of 2025 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. Although the petitioner was named in the FIR by the informant/PW2, his name was excluded from the charge sheet. This was primarily on the basis of a subsequent statement made by the said PW2 before the police officer exonerating present petitioner. The petitioner was needlessly added as an accused by the trial Court after the same P.W.2 again took the name of the petitioner in the evidence. Moreover, the petitioner has a good ground of alibi to support his innocence.

Learned counsel appearing on behalf of the de-facto complainant submits that the petitioner's name even appears in the medical documents as an assailant.

Learned counsel appearing on behalf of the State strongly opposes the revisional application and submits that *prima facie* case is made out against the petitioner. The role of the petitioner is apparent from the FIR itself. This is supported by the additional evidence

provided by the PW2 during trial. Learned P.P. filed the application under Section 319 of the Code.

When the PW2 in the FIR had specifically taken the name of the present petitioner, the I.O. could not have excluded his name from the charge sheet merely by recording a statement of the said P.W.2, which is quite obviously an unsigned one, exonerating the petitioner. This is a bad practice employed in certain cases, sometimes in order to favour particular accused.

The wrong done was detected by the learned trial Court when the P.W.2 came and deposed against the present petitioner.

Considering the materials available on record including the FIR where the petitioner was specifically named and the evidence adduced by P.W.2 taking the name of the petitioner quite in consonance with the stand taken in her in the FIR, I do not find any illegality in the order of the trial Court adding the petitioner as an accused.

The question of alibi pleaded by the petitioner is essentially a disputed question of fact, which can best be dealt with by the trial Court.

Therefore, I do not find any merit in the application being CRR 686 of 2025.

It also appears that a warrant of arrest has been issued against the petitioner.

At this stage, learned counsel appearing on behalf of the petitioner submits that a liberty may be granted to the petitioner to surrender before the learned trial Court and pray for bail.

In view of the above and in the interest of justice, the warrant of arrest issued against the petitioner shall remain stayed for a period for four weeks. The petitioner shall be at liberty to surrender before the learned trial Court and pray for bail, which shall then be considered in accordance with law.

With these observations and directions, the other revisional application being CRR 2480 of 2025 is disposed of.

Urgent certified photo copy of this judgment, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)