HIGH COURT OF TRIPURA
AGARTALA

CRP No.24/2026

1.The State of Tripura, Represented by Chief Secretary, Government of Tripura, New Secretariat, Agartala, West Tripura.

2. The Secretary, Department of Home, Government of Tripura, New Secretariat, Agartala, West Tripura.

3. The District Magistrate & Collector, Sepahijala District, Tripura.

4. The Sub Divisional Magistrate, Bishalgarh, Sepahijala District, Tripura.

5. The Commandant, Tripura State Rifle (TSR) 1st Bn, Gokulnagar, Sepahijala District, Tripura.

…… Petitioner(s).

V E R S U S

Sri Haridas Biswas, S/O. Lt. Chan Mohan Biswas, Resident of Village-Lembutali, P.S.-Bishalgarh, District-Sepahijala, Tripura, Pin-799102.

……Respondent(s).

For Petitioner(s)	: Mr. Karnajit De, Addl. G.A.
For Respondent(s)	: Mr. Sankar Lodh, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

08/05/2026

This Revision is filed challenging the order dt.16.09.2025 of the District Judge, Sepahijala District, Sonamura rejecting an application for additional evidence filed by the petitioners/State of Tripura and others in T.A. No.08 of 2023.

Counsel for the petitioners contends that the said application has to be heard along with the Appeal and decided along with the Appeal and could not have been decided before the Appeal is decided.

The contention of the counsel for the petitioners is correct because the Supreme Court in ***State of Rajasthan v. T.N. Sahani and others***[1] held that

[1] (2001) 10 SCC 619

an application for additional evidence in an Appeal has to be decided along with the Appeal and cannot be decided before hearing the Appeal. It held that the Appellate Court cannot take any view on the application before hearing of the Appeal and it would be inappropriate to do so.

This was also reiterated in ***Union of India v. Ibrahim Uddin and another***[2].

Counsel for the respondent does not dispute this settled legal position.

Therefore, this Revision is allowed; order dt.16.09.2025 in Civil Misc. No.07 of 2024 in T.A. No.08 of 2023 is set aside; the said Civil Misc. No.07 of 2024 is restored to the file of the Court of the District Judge, Sepahijala District, Sonamura; and the said Court is directed to decide the said application along with the Appeal.

The Revision Petition is disposed of in view of above terms.

Pending application(s), if any, also stands disposed of.

(M.S. RAMACHANDRA RAO, CJ)

Pulak

PULAK BANIK Digitally signed by PULAK BANIK
Date: 2026.05.12 18:21:13 +05'30'

[2] (2012) 8 SCC 148