

GR(S)/1063/2022

Present : Koustuv Mukhopadhyay
Chief Metropolitan Magistrate, Calcutta
J.O Code – WB01059

Order dated : 21.06.2024

Today is fixed for evidence/production and appearance.

Accused no. 6 is on court bail and she has filed a petition u/s 317 of Cr. P. C.

Prosecution raised no objection and accordingly her petition is allowed.

Other accused persons are in custody and they are produced from PC Home.

One petition is filed on behalf of accused Santosh Rajak who is in custody.

The substance of the petition is that they have prayed for expunging the name of GST officials who are shown as CSW in this case from the list of witnesses.

Their submission is strongly objected by Ld. PP.

The Ld. Advocate for the accused Santosh Rajak submits one copy of order passed by Hon'ble High Court, Calcutta dated 12.09.2022 and another order dated 14.06.2023.

The first order was passed in WPA 16358/2022 and the second one was passed in MAT/1054/2023.

The Ld. Advocate for the accused Santosh Rajak submits that the Hon'ble Court has categorically mentioned that in the para 17 of the order dated 14.06.2023 that the methodology adopted by the Anti Fraud Department by issuing standard format notices u/s 160 of Cr. P. C is wholly illegal.

According to him, as the methodology adopted in issuing standard format notices u/s 160 of Cr. P. C is declared illegal by the Hon'ble Court, this court shall not call upon the witnesses who are going to depose in this case in their official capacity as GST officials.

The Ld. PP raised objection against the prayer and submits that there is no embargo to call the witnesses as per charge sheet as it is the prerogative of the prosecution to decide whom to be brought before the court in support of their case and whom to be left.

He further bring it to the notice of the court that all the GST officials shown in the charge sheet as CSWs have already deposed as PW and hence the said prayer becomes redundant at this moment.

He prays for rejection of the said petition on the ground that at this stage of evidence, this court has no locus standi to entertain the prayer made by the accused Santosh Rajak which is related to an alleged irregularity regarding service of notice which has no relevance at this stage of evidence.

Considered both sides submissions.

Gone through the written prayer made by the accused Santosh Rajak and the solemn orders of Hon'ble High Court, Calcutta which are annexed with the said prayer.

Considering the pros and cons of the matter, I hold that at this stage when investigation is completed and charge sheet is submitted, there is no scope to entertain the prayer made on behalf of the accused Santosh Rajak.

Moreover, the said prayer seems to be redundant as all the GST officials shown in the charge sheet as CSWs have already deposed as PW.

Accordingly, the petition filed by the accused Santosh Rajak is hereby rejected.

The record is taken up for evidence of PW-23 and one witness named Haridas Chandak deposited as PW-23.

His signatures in the statement recorded u/s 164 of Cr. P. C is marked as Ext. P-37 series/PW-23.

Cross-examination is also concluded.

Next date is fixed on 26.06.2024 for evidence of Viswanath Pradhan.

To date for evidence/ production/ appearance.

The next date is fixed on 26.06.2024 as per prayer of the prosecution as the witness Viswanath Pradhan will not be available on 24.06.2024 or 25.06.2024.

D/C

Chief Metropolitan Magistrate
Calcutta.