

GR(S)/1063/2022

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

Order dated : 03.07.2024

Today is fixed for cross examination of PW-24.

Accused no. 4 is present and the other accused persons on custody are produced from PC Home.

PW-24 is cross examined in full and discharged.

The next date is fixed on **08.07.2024** for further evidence and office to issue summons to the witness.

In the meantime the accused no. 1 has filed a petition praying for supply of copies on the ground that the compliance u/s 207 of Cr. P. C is not fully complied.

Ld. PP raised objection on the ground that they have already supplied copy and nothing is remaining to be further supplied to any of the accused persons.

He has made prayer for bail which is considered and rejected.

However, I direct the prosecution to submit a list of documents what are being supplied to the accused persons and the same to be submitted before the court on 08.07.2024 and further order regarding this will be passed on that date.

Another accused person being accused Santosh Rajak has filed an application praying for necessary direction upon the Investigating Agency not to file any further supplementary charge sheet which is evident from para-21 of the application which is prayed to be treated as a memorandum u/s 314 of Cr. P. C.

The accused has raised reservation regarding cognizance taken by this court after submission of supplementary charge sheet.

Considered the submission and gone through the application covered in 5 pages.

It appear to me that supplementary charge sheet is already filed (on three occasions) and cognizance has already been taken by this court and hence no question arises to direct the IO from restraining himself from filing further supplementary charge sheet as prayed in the para-21 of the said application.

Coming to the prayer portion of the application dated 26.04.2024 made by accused Santosh Rajak, I hold that I find no merit in the said application and moreover, I failed to understand why at this delayed stage the accused has filed this application.

In support of the same the accused has supplied one solemn decision of Hon'ble Supreme Court of India passed in **2024 SCC On Line SC 58**.

Gone through the said order which is obviously regarding taking of cognizance by a Magistrate but I failed to find any relevancy of the same in the given set of circumstances.

Under such circumstances, I find no reason to allow the prayer made by the accused Santosh Rajak and accordingly, the prayer is partly rejected and it partly calls for no order as some portion of the prayer has already become redundant.

To date for hearing on point of supply of copy, appearance and evidence.

D/C

CMM