

G.R. Case no. 224/2022 (CIS 154/2025)

WB 01110

Order No. 38 dated 12.03.2026

Today is fixed for evidence of CSW 1.

CSW 1, Dipty Chettri is examined, cross-examined in full and discharged as P.W. 1.

One petition filed by the Ld. APP filed a petition u/s 319 of Cr. PC praying for proceeding against Sampat Mukhia, who appears to be guilty of the offence.

Hear the Ld. APP.

Perused the evidence of P.W. 1., FIR, charge sheet and other materials on record.

On perusal of the charge sheet, it appears that though Sampat Mukhia as been made as CSW 4 but from the evidence of P.W. 1 as well as from the written complaint, it appears that there is statement that said Sampat Mukhia had video graphed the incident.

In these circumstances, the petition filed by Ld. APP has merit and should be allowed as it appears from the evidence of PW 1/Complainant, said Sampat Mukhia though not made an accused but has committed the offence u/s 354(C)/120(B) of IPC for which he could be tried together with the present accused persons. Therefore, the Court should proceed against accused Sampat Mukhia under provision of 319 of Cr. PC.

Let accused summons be issued against Sampat Mukhia at once.

*Fix **21.04.2026** for appearance of the accused Sampat Mukhia and further Order.*

D/c by me,

-S/d-

CJM, Kalimpong.

-S/d-

CJM, Kalimpong.