

Today is fixed for examination of the accused person under Section 313 Cr.P.C. and hearing.

Accused is present by filing hazira.

A petition under Section 15A(11)(e)(f) of the SC & ST (PoA) Act, 1989 read with Rule 11(6) of the SC & ST (PoA) Rules, 1995 has filed by the de facto complainant for getting travelling allowance, daily allowance and maintenance.

Perused and considered.

It appears that the de facto complainant had no part to play to assist the Court in unveiling the truth or helping the Court in trial of the case. Her attendance in the Court is not under the Court's direction but Court's information in discharge of statutory obligation to bring in her notice the development of the proceeding before this Trial Court.

The petition under Section 15A(11)(e)(f) of the SC & ST (PoA) Act, 1989 read with Rule 11(6) of the SC & ST (PoA) Rules, 1995 be sent to the Collector for necessary disposal.

Another petition under Section 15A(4) of the SC & ST (PoA) Act, 1989 has been filed by the de facto complainant.

The petition is taken up for hearing.

The instant petition to summon Sri Jayanta Chakrabarty as witness has been made today only. The record shows that the instant case was received in this Court on 19.08.2020 and the de facto complainant was all along aware of the pendency of the proceedings of the case initiated at her instance and it is also presumed that she was time to time informed as to the progress of the case either by the Court or by the investigating agency. She was also present on the date of hearing and framing of charge but she has raised no voice on any point of time until this petition. She has been examined on dock on 06.07.2022 after framing of charge on 19.05.2022, on both of which she was present. From her entire evidence, it is not evident that she has in any way utter the name of this witness whose presence, summoning and examination, cross-examination can be helpful for unveiling the truth. There is provision and every provision is time bound and in reference to its context also. When no reference of this Jayanta Chakrabarty is found from any materials in record including the evidence of de facto complainant, it is very much reasonable to hold the petition to be afterthought one and I find the petition under Section 15A(4) of the SC & ST (PoA) Act, 1989 to be devoid of merit and the same is rejected.

Another petition under Section 3(2)(va) & 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 read with Section 216(1) of the

Criminal Procedure Code is taken up for consideration after hearing both the sides.

In view of the above observations in disposing of the petition under Section 15A(4), the de facto complainant appears to have been sufficiently aware of the charges mentioned in the charge-sheet, police report under Section 173 Cr.P.C as well as the charge framed by this Court on 19.05.2022. Thereafter the de facto complainant graced the box on 06.07.2022 and adduced her evidence from which I find no stray of sentences wherefrom the charge is required to be altered by adding the same.

The petition under Section 3(2)(va) & 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (PoA) Act, 1989 read with Section 216(1) of the Criminal Procedure Code thus stands rejected.

Accused person is examined under Section 313 Cr.P.C.

Fix 11.11.2022 for appearance and argument.

Adl. Sessions Judge, 1<sup>st</sup> Court, Howrah-cum-Judge,  
Special Court on SC & ST (POA) Act, Howrah