

S.C (Spl) Case No.21 of 18 (491 of 18)

4.3.21.

Today is fixed for passing order regarding the naraji petition of the defacto complainant Aditya Charmakar.

Ld. Lawyer for the defacto complainant submitted before the court that there is specific allegation against the accused persons for committing offence under the SC/ST (POA) Act, 1988 but in the said charge sheet submitted by the I.O there is no allegation regarding committing offence under the said SC/ST Act. The defacto complainant has stated commission of offence under the said Act and prayed for further investigation in to the matter again.

Ld. PP submitted that the I.O has examined all the witnesses whom the defacto complainant proposed to examine and no such offence has transpired.

Ld. Lawyer for the accused persons submitted that there is no scope for reinvestigation at this stage.

Considered all the materials on record and CD.

On perusal of the naraji petition it appears that the defacto complainant has mentioned the name of the persons as witnesses whom the I.O has already examined and nothing come out in that regard. The vital witnesses like Prabhat Kumar Mahato, Arjun Majhi were all examined by the IO but there is no such allegation about any offence under SC/ST (POA) Act.

On perusal of the CD, it appears that there is no such separate 161 of Cr.P.C statement of the defacto complainant recorded in the CD. It also appears that the witnesses, like Prabhat Kumar Mahato, Arjun Majhi, etc also came to the spot when the altercation already started with the defacto complainant. According to the I.O, no separate 161 Cr.P.C statement was recorded in respect of the defacto complainant as his statement has supported the FIR exactly. But,

in the FIR there is allegation of committing offence under SC/ST(POA) Act, 1988.

Considering this aspect, the I.O is directed to record the statement of the defacto complainant Aditya Charmakar after examining him and to do further investigation, if required in this regard after recording of his statement u/s 161 of Cr.PC.

The petition of the defacto complainant dated 30.9.19 for reinvestigation of this case, is disposed of with the above observation.

To 13.4.21 for receiving report from I.O.

Return CD.

Let a copy of this order be sent to the I.O at once.

Inform ld. PP.

Dictated & correct by me

Addl. Sessions Judge
1st Court, Purulia.

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