

respondent, on the sole ground that it is bereft of any reason.

The High Court was right in noting that if the Trial Court intended to initiate action under Section 319 of Code of Criminal Procedure against any person for being tried together along with accused, it must record *prima facie* view as to why such course of action is warranted against such person.

The observation made by the High Court in the impugned judgment, however, should not come in the way of the Trial Court to proceed in accordance with law, if there is sufficient material to initiate action under Section 319 of the Code of Criminal Procedure *albeit* by recording reasons as noted by the High Court.

Mr. Shoeb Alam, learned counsel appearing for the private respondent (third party) submits that the trial against the accused is already concluded in September, 2021. Hence, it is not open to the Trial Court to now proceed against the private respondent under Section 319 of Code of Criminal Procedure. That is a matter to be considered by the Trial Court, if situation so warrants.

We may not be understood to have expressed any opinion either way in that regard.

Leaving all contentions available to the concerned parties open, we dispose of this petition in the aforesaid terms.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)