

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.30/2022

Sri Dilip Paul, S/O. Lt. Dharma Narayan Paul, of Rabindra Palli near IGM Road, Agartala, P.S.-West Agartala, P.O.-Agartala, District-West Tripura, Pin-799001.

..... Petitioner(s)

V E R S U S

1. The State of Tripura, Represented by the Secretary, Department of Home.
2. Sri Loknath Bhowmik, S/O. Lt. Purna Ch. Bhowmik, of Town Pratapgarh, Central Road Extension, P.S.-East Agartala, District-West Tripura, Pin-799001.

.....Respondent(s)

For Petitioner(s) : Mr. S.M. Chakraborty, Sr. Advocate,
Mrs. P. Chakraborty, Advocate.

For Respondent(s) : Mr. Ratan Datta, P.P.,
Mr. H. Debnath, Sr. Advocate,
Mr. S. Chakraborty, Advocate,
Ms. U. Chanda, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Date of hearing and judgment : **10th April, 2023.**

JUDGMENT & ORDER (ORAL)

By means of this petition filed under Section 482 of Cr.P.C., the petitioner has prayed for directing the respondents to further investigate into West Agartala P.S. case No.066 of 2016 registered under Sections 406 /468/ 471/420 of IPC in accordance with law.

2. The case of the petitioner, in brief, is that about 10/12 years ago petitioner leased his shop located at Hawkers Corner to one Bijoy Krishna Paul. In January, 2016 for the purpose of executing a sale agreement, Sri Loknath Bhowmik, a deed writer (respondent No.2 herein), obtained signatures of petitioner on blank paper and prepared a false agreement claiming that Rs.15 lakh had been paid to the petitioner as advance for buying the shop. On the complaint of the petitioner, a case was registered with West Agartala P.S. being No.2016 WAG 066 under Sections 406/468/471/420 of IPC against the respondent No.2 and police after investigation submitted charge-sheet against the said respondent. Thereafter, respondent No.2 filed a discharge petition before the Court and objection was filed from the side of the petitioner. During course of trial before the Court below, it was found that the I.O. did not seize the forged sale agreement for which the petitioner would be seriously prejudiced. Accordingly, the petitioner has preferred this petition for further investigation and also to seize the sale agreement. Hence, this case.

3. Petitioner has prayed for the following reliefs:

- "(i) Admit the petition;
- (ii) Call for the lower court record of Case No.PRC(WP) 374 of 2016 arising out of West Agartala P.S. Case No.066 of 2016 under section 406/468/471/420 of IPC

dated 03/06/2016 from the court of Ld. Judicial Magistrate Court no-8, West Tripura, Agartala, for the interest of justice;

(iii) Issue notice upon the respondents; **AND**

(iv) After hearing be pleased to direct for further investigation u/s 173(8) of Cr.P.C. as per provision of law and also to seize the agreement for sale dated 08.04.2014 from the respondent No.2."

4. Heard Mr. S.M. Chakraborty, learned senior counsel assisted by Mrs. P. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. Ratan Datta, learned Public Prosecutor appearing for the respondent No.1-State and Mr. H. Debnath, learned senior counsel assisted by Mr. S. Chakraborty, learned counsel appearing for the respondent No.2.

5. Mr. S.M. Chakraborty, learned senior counsel assisted by Mrs. P. Chakraborty, learned counsel appearing for the petitioner, contends that the Investigating Officer of the case lodged by the petitioner did not seize the forged sale agreement which is a vital document for adjudication of the case and accordingly, he prays for further investigation under Section 173(8) of Cr.P.C. as per provision of law and also to seize the sale agreement for fair ends of justice. On the other hand, Mr. H. Debnath, learned senior counsel assisted by Mr. S. Chakraborty, learned counsel appearing for the respondent No.2, contends that the said sale agreement in original is lying in

a pending civil suit before the Court. As such, he fairly submits that the petitioner may collect a certified copy of the agreement and submit the same in the criminal proceedings.

6. In view of the same, the instant petition is disposed of directing the petitioner to file the certified copy of the sale agreement which is the subject matter of this criminal petition before the Court below and on submitting the same, the Court below is directed to take the same on record and examine in accordance with law. This action shall be done by the Court below without reference to the earlier order of rejection.

7. The criminal petition is disposed of in view of above terms.

8. Send down the lower Court records forthwith.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Pulak