

**HIGH COURT OF TRIPURA
AGARTALA
Crl. Petn.36 of 2024**

<i>Sri Dipankar Das</i>		<i>Petitioner(s)</i>
	<i>Versus</i>	
<i>The State of Tripura &Ors.</i>		<i>Respondent(s)</i>

For Petitioner(s)	:	Ms. M. Pal, Advocate
For Respondent(s)	:	Mr. R. Datta, PP

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

25.09.2024

This present Criminal Petition has been filed under Section 482 of the Code of Criminal procedure, 1973 for quashing the order dated 01.07.2024 passed by the learned Judicial Magistrate 1st Class,(Court No.1), Agartala, West Tripura in Case No. PRC (WP) 57 of 2024, whereby the learned Court below rejected the application under Section 173(8) of Cr.P.C filed by the petitioner for further investigation of the case No. PRC (WP) 57 of 2024 in c/w West Agartala Women PS case No. 2023/WAW 052 and to pass direction for the further investigation of the case for the interest of justice.

[2] The brief facts of the case, in a nutshell, is that the daughter of the petitioner/complainant had a love relation. On 08.09.2023 the victim(deceased) was kidnapped by a person, while searching she was found at Agartala railway station. Thereafter, one day respondent no.3 called the petitioner to bring the victim for counseling in his residential home. On trusting the respondent no.3 the petitioner sent the victim to the house of respondent no.2 at Kalachara, Sabroom, wherein she committed suicide. Thereafter, a case was registered against them. But to his utter surprise, the petitioner/complainant found that the I.O of the instant case did not record the

statement of some vital witnesses as per factual description in the ejahar. Moreover, the statements recorded under Section 161 of Cr.P.C of himself and his wife and other witnesses were not recorded properly. Thereafter, the petitioner filed petition for further investigation before the Court below but the same was rejected by an order dated 01.07.2024. Hence, this petition.

[3] Heard Ms. M. Pal, learned counsel appearing for the petitioner. Also heard Mr. R. Dutta, learned P.P. appearing for the respondent-State.

[4] Ms. M. Pal, learned counsel submits before this Court that the learned court below did not consider the statement of vital witnesses and the IO of the case failed to produce the CCTV footage from the place of occurrence. Apart from this, the IO did not collect the medical reports and bed head tickets etc. from the hospitals where the victim was admitted. Moreover, the statement recorded under Section 161 of the Cr.P.C of the petitioner and his wife were not recorded properly. Hence, the petitioner herein prays before this Court to set aside /quash the impugned order dated 01.07.2024.

[5] Mr. R. Dutta, learned P.P. for the respondent-State submits before this Court that the learned Court below has no jurisdiction to order for further investigation and the order as passed by the Court below is just and proper. Hence, he prays for dismissing of the present petition.

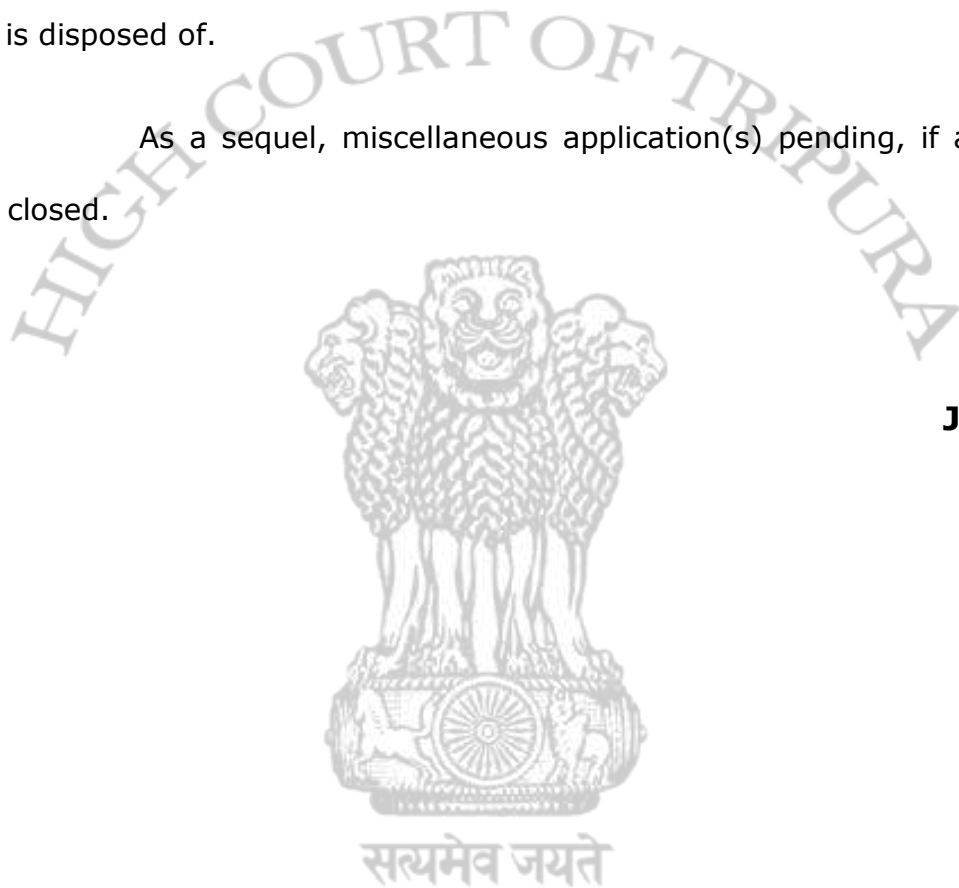
[6] On perusal of the record and the submission made by the learned counsel for the parties, this court is of the opinion that for further investigation, collecting of the medical reports from Kalachara PHC, Santirbazar District hospital of South Tripura, Bed Head Ticket with admission history along with emergency register and relevant documents of AGMC and GBP hospital, Agartala and R.N Tagore hospital, Kolkata along with CCTV footage from the

place of occurrence, towards additional evidence is required for filing additional charge-sheet.

[7] In view of the above observation and direction, this instant criminal petition is disposed of directing the learned court below to take appropriate steps for further investigation of the case by the concerned authority.

[8] Thus, the instant criminal petition is allowed and, accordingly, the same is disposed of.

As a sequel, miscellaneous application(s) pending, if any, shall stand closed.



JUDGE

Paritosh

RAJKUMAR
SUHANJIT
SINGHA

Digitally signed by
RAJKUMAR SUHANJIT
SINGHA
Date: 2024.09.30
10:49:00 +05'30'