

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.31 of 2025

Sri Rai Mohan Paul, S/o Late Ranga Hari Paul, Resident of Indratilla,
Melagarh, P.O. & P.S. Melagarh, Sonamura, District: Sepahijala, Tripura.

.....Petitioner(s);

Versus

1. The State of Tripura, to be served through the Learned Public Prosecutor,
High Court of Tripura, Agartala.

2. Sri Chandan Debnath, S/o Sri Surendra Debnath, Hospital Road, Melagarh,
P.O. & P.S. Melagarh, District: Sepahijala.

3. Sri Sankar Saha, S/o Late Jitendra Saha, Resident of Melagarh Chowk, P.O.
& P.S. Melagarh, District: Sepahijala

4. Sri Sajal Saha, S/o Sri Makhan Saha, Resident of Indratilla, Melagarh,
District: Sepahijala

5. Sri Biplab Saha @ Buttu, S/o Late Benulal Saha, Resident of Indratilla,
Melagarh, District: Sepahijala

6. Sri Litan Paul, S/o Sri Swapan Paul, Resident of Indratilla, Melagarh,
District: Sepahijala

7. Sri Pulak Paul @ Bhaskar, S/o Sri Gopal Paul, Resident of Indratilla,
Melagarh, District: Sepahijala

.....Respondent(s)

For Petitioner(s) : Mr. Keneth L. Debbarma, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor,
Mr. Rajib Saha, Addl. Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

10/07/2025

Heard Mr. Keneth L. Debbarma, learned counsel for the petitioner
and Mr. Raju Datta, learned Public Prosecutor for the respondent-State.

2. The present petition under Section 482 of the CrPC is directed
against the order dated 05.03.2025 passed in Criminal Revision 02 of 2023 by
learned Sessions Judge, Sepahijala District affirming the order dated
07.12.2022 passed by learned Judicial Magistrate, 1st Class, Court No.1,
Sonamura in PRC (SP) 38 of 2018 whereby the application of the petitioner
dated 02.01.2020 seeking further investigation under Section 173(8) of the
CrPC was rejected.

3. During course of submission, learned counsel for the petitioner submits that petitioner had asked for further investigation in relation to PRC (SP) 38 of 2018 which arises out of FIR No.2018MLG030 dated 17.04.2018 instituted under Sections 447/448/437/506/379/34 of the IPC by the petitioner-complainant wherein six persons were implicated as accused. According to the petitioner, the chargesheet was filed by clubbing three separate FIRs constituting cognizable offences that took place on 03.03.2018, 04.03.2018 and 28.03.2018. The chargesheet has not been annexed. On being specifically asked, learned counsel for the petitioner has admitted that no FIR as such were instituted in relation to the incidences that allegedly occurred on 03.03.2018 and 04.03.2018. On the other hand, for the incidence dated 28.03.2018 in respect of which the aforesaid FIR was instituted, petitioner had made reference to incidences which occurred on 03.03.2018 and 04.03.2018 apart from the incidence dated 28.03.2018 alleging vandalization of his shop and destruction of clay and porcelain items. It is in respect of this last incidence which the petitioner actually instituted an FIR in which, upon investigation the chargesheet has been submitted. Petitioner, in the body of the application, has not mentioned any specific reason as to why further investigation is required in connection with the said case.

4. During course of submission, learned counsel for the petitioner further submits that the aforesaid two complaints have also been clubbed while investigating the third incidence on the basis of the aforesaid FIR which ought not to have been done. The investigating agency ought to have investigated each of these three incidents constituting cognizable offences separately.

5. However, it appears that no FIR was instituted for those two incidences; neither did the petitioner pursue the matter before the competent court of law or before the higher police authorities in terms of the provisions of the Criminal Procedure Code. In the instant FIR, the proceedings have progressed to the stage of trial after filing of the chargesheet No.19 of 2018 under Sections 447/448/427/506/34 of the IPC. The learned Revisional Court has, after taking note of these facts and circumstances, held that the defacto complainant i.e. the petitioner himself lodged the complaint about the three incidences which were read over and explained to him and thereafter he put his signature thereupon. The investigating agency therefore upon investigation submitted only one chargesheet. The petitioner has not mentioned any reason as to why further investigation is required under Section 173(8) of the CrPC. No fresh materials have been referred to either.

6. The learned Revisional Court has noticed a number of decisions of the Apex Court such as in the case of **Pooja Pal v. Union of India & others** reported in **(2016) 3 SCC 135** [para 83] and also in the case of **Vinay Tyagi v. Irshad Ali alias Deepak & others** reported in **(2013) 5 SCC 762** [para 41], and held that the defacto complainant was all along silent after the filing of the instant FIR till the chargesheet was submitted. He did not take recourse of any higher authority challenging the FIR. Only after filing of chargesheet and after examination of accused under Section 251 of CrPC, the defacto complainant has filed a petition for further investigation under Section 173(8) of the CrPC. He has also failed to state any fresh materials which would implicate persons

not previously accused or absolved persons. Therefore, the learned Sessions Court dismissed the revision petition.

7. Upon hearing learned counsel for the petitioner and learned Public Prosecutor and after taking note of the aforesaid facts and circumstances, this Court does not find any infirmity in the impugned order. The instant petition is accordingly dismissed.

Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ



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