

THE HIGH COURT OF TRIPURA
AGARTALA

CRL.REV.P. 95 OF 2010

Shri Ashoke Kumar Saha,
S/O. Sri Ramesh Chandra Saha,
Resident of Village-College Road,
Shibnagar, P.S.-East Agartala,
Sub-Division-Agartala,
District-West Tripura,
holding the post of
Regional Director of Rose Valley,
Group of Companies having his office at
Mantribari Road, P.S.-West Agartala,
Sub-Division-Agartala,
District-West Tripura.

..... **Petitioner.**

- V e r s u s -

1. The State of Tripura,
Represented by the Secretary,
Department of Home,
Government of Tripura,
Having his office at New Secretariat
Complex, Gurkhabasti,
P.S.-West Agartala,
P.O. Kunjaban,
Sub-Division-Agartala,
District-West Tripura.
2. The Officer-in-Charge,
West Agartala Police Station,
Having his office at-
West Agartala P.S.,
P.O. Agartala,
Sub-Division-Agartala,
District-West Tripura.
3. Sri Kshitish Chandra Saha,
S/O. Late Haralal Saha,
C/O. Shri Dilip Ranjan Saha,
Resident of Shibnagar,
College Road,
P.S. East Agartala,
P.O. Agartala College,
District-West Tripura.

..... **Respondents.**

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the petitioner	: Mr. S. Lodh, Advocate, Mr. B. Dutta, Advocate.
For the respondents 1 & 2	: Mr. A. Ghosh, P.P.
For the respondent No.3	: Mr. S.M. Chakraborty, Sr. Advocate, Ms. B. Chakraborty, Advocate.
Date of hearing and delivery of judgment and order.	: 20.03.2015.
Whether fit for reporting	: YES/NO.

JUDGMENT & ORDER (ORAL)

This revision petition is directed against the order dated 06-02-2010 passed by the learned Chief Judicial Magistrate, West Tripura, Agartala whereby he had directed that a complaint case be registered on the basis of the objection petition filed by the complainant (respondent No.3 herein).

2. The facts necessary for disposal of this case are that the respondent No.3, complainant, first filed West Agartala Police Station case No.167 of 2006 against the present petitioner Sri Ashok Kumar Saha and one Sri Bijan Kilikdar. The allegation was that the lock of the door of the office chamber of the complainant was broken on 12-09-2006 and some important files and cash amounting to Rs.5,000/- was taken away from the drawer of the table. According to the complainant, since the present petitioner had taken control of the office, the complainant suspected that it is the present petitioner who stole the money and the files. It was also alleged that Sri Bijan Kilikdar took active part in commission of the offence.

3. The case was endorsed to one S.I. for investigation and the Investigating Officer on 31-10-2006 filed a closure report stating that the allegation was false and, in fact, he submitted that it was a fit case for prosecution of the complainant under section 211 of the IPC. Against the said report, the informant filed written objection and on those written objection the Court again ordered further investigation in the matter by some other Investigating Officer. The second Investigating Officer also found that no criminal case is made out but his opinion was not that the case is totally false but he stated that the case arose out of some mistake of fact. Whatever be the situation, both the Investigating Officers had found that no criminal case is made out against the present petitioner. Despite this, the learned trial Court directed that the complaint case be registered on the basis of the objection petition filed by the complainant. In the meanwhile, the complainant expired about three years back. Therefore, the most material witness is dead and no purpose will be served in continuing with the proceedings.

4. In this view of the matter, the petition is allowed and the order of the Chief Judicial Magistrate, West Tripura, Agartala is quashed and set aside.

5. Send back the lower court records forthwith.

CHIEF JUSTICE