

**THE HIGH COURT OF TRIPURA**  
**\_A\_G\_A\_R\_T\_A\_L\_A\_**

**Criminal Petition.34 of 2012**

Smt. Debashri Saha,  
W/o Sri Riman Saha of motor stand,  
P.S. East Agartala, Dist. - West Tripura.

..... *Petitioner.*

- Vs -

1. **The State of Tripura.**  
(To be represented by the Secretary-cum-Commissioner, Home Department).
  2. **Sri Shyamal Saha,**  
S/o Lt. Mohan Lal Saha.
  3. **Sri Bimal Saha,**  
S/o Lt. Mohan Lal Saha.
  4. **Smt Bijali Saha,**  
W/o Lt. Chandan Chakraborty.
  5. **Smt. Dipali Saha,**  
W/o Sri Radhe Shyam Saha.
- (Respondent Nos.2 to 5 are the residents of  
Chittaranjan Road, Near Old Motor Stand,  
P.S. East Agartala, P.O. Agartala, West Tripura.)

..... *Respondents.*

**\_B\_E\_F\_O\_R\_E\_**

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

|                           |   |                                 |
|---------------------------|---|---------------------------------|
| For the petitioner        | : | Mr. S Ghosh, Advocate.          |
| For the respondent No.1   | : | Mr. A Ghosh, Public Prosecutor. |
| Date of hearing           |   |                                 |
| and delivery of judgment  | : | 16.7.2015.                      |
| Whether fit for reporting | : |                                 |

|     |    |
|-----|----|
| Yes | No |
|     | J  |

### JUDGMENT & ORDER(ORAL)

This petition is directed against the order dated 23<sup>rd</sup> March, 2012 whereby the learned Judicial Magistrate, 2<sup>nd</sup> Class, Agartala, West Tripura, has rejected the prayer of the complainant(*petitioner herein*) for further investigation in the case.

2. The undisputed facts are that the complainant filed a complaint on the basis of which PRC Case No.02 of 2012 was registered against the accused under Sections 341, 325, 354 and 34 of I.P.C. After cognizance of the complaint was taken by the learned Magistrate the complainant filed an application stating that the Investigating Officer had submitted the charge sheet without properly investigating the matter and it is stated that there were two eye witnesses and their statements have not been recorded. These two eye witnesses have been named as Smt. Rita Roy Saha and Smt. Sikha Saha.

3. I have gone through the complaint as well as the statement of the complainant recorded under Section 161 Cr.P.C and in both of them the names of these two so called eye witnesses are not mentioned. It is, therefore, clear that this is just a means of collecting more evidence and filling up the lacuna in the case which cannot be permitted. Hence the petition is rejected.

4. Send down the LCRs forthwith.

**CHIEF JUSTICE**

*Sukhendu*