

26.08.2021
Item no.16
Ct. No.34
CHC

C.R.R. No.931 of 2012

(Physical Hearing)

In Re: An application under Sections 401/482 of the Code of Criminal Procedure.

AND

In the matter of:-

Papia Bhattacharjee
... petitioner

Mr. Bidyut Kumar Ray,
Ms. Manisha Sharma
...for the State

Report submitted by Mr. Ray, learned advocate be kept with the record.

The revisional application was preferred challenging the order dated 24th January, 2012, passed by the learned Chief Judicial Magistrate, Barasat, in connection with Baguihati Police Station Case No.183 of 2011, under Sections 363/366 of the Indian Penal Code.

The petitioner was aggrieved by the investigation so conducted and thereby prayed for further investigation in terms of Section 173(8) of the Code of Criminal Procedure.

Having regard to the fact that the incident is of year 2011 and the learned Fast Track 5th Court, Barasat, has been pleased to

fix date for framing of charge, I am of the opinion that belated interference for further investigation is unwarranted at this stage.

However, in course of the trial, if it appears to the learned trial court, the learned trial court would be at liberty to exhaust the provisions of Section 311 of the Code of Criminal Procedure to secure materials by summoning appropriate witnesses and/or claim for materials to be produced before the court so that in the interest of justice truth can be unearthed. For the present, the revisional application do not call for any interference and as such, C.R.R.931 of 2012 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)