

CRR 3676 of 2019

**Beauti Laha
Vs.
State of W. B. & Ors.**

**Mr. Soumik Ganguli
..... For the Petitioner
Mr. S. G. Mukherjee, Ld. P. P.
Mr. Arijit Ganguly
.....For the State
Mr. Joydeep Banerjee
Mr. Abhishek Banerjee
.....For the Opposite Party Nos. 2 and 3**

The grievance of the petitioner is for deletion of the offence under Section 326 of the Indian Penal Code from the charge sheet. Although according to her, she suffered injury on her head, it is sufficient in the ordinary course of events to direct the provisions of Section 326 of the Indian Penal Code.

The petitioner being aggrieved by the police report so filed by the Investigating Agency preferred an application under Section 173(8) of the Code of Criminal Procedure which was turned down by the learned Chief Judicial Magistrate, Bankura by its order dated 04.01.2019.

I have perused the injury report which is in the case diary to which an attention has been drawn to this court by Mr. Arijit Ganguly, learned advocate for the State.

Mr. Joydeep Banerjee, learned advocate appearing for the opposite party nos. 2 and 3 supports the order so passed by the learned Chief Judicial Magistrate, Bankura and submits that there is no scope for interference with the order so passed.

I have taken into account the submissions of the rival parties and having regard to the fact that medical reports are part of the police papers, I am of the opinion that further investigation is not at all required in this case. However, the learned trial court at the stage of consideration of charge shall take into account the medical papers which are available with the Investigating Authority and thereafter assess the Section under which the charges are to be framed.

With the aforesaid observations CRR 3676 of 2019 is disposed of.

(Tirthankar Ghosh, J.)