

08.09.2022

**CRR 321 of 2022
CRAN 1 of 2022**

**Joy Singh Mahato & Ors.
Vs.
The State of West Bengal & Anr.**

Mr. Tapas Kumar Ghosh, Adv.,
Mr. Tanmay Chowdhury, Adv.

...for the petitioners

The petitioner has assailed an order date 12th August, 2015 passed by the learned Additional Sessions Judge, 3rd Court at Purulia in Sessions Case No.407 of 2013 corresponding to Sessions Trial No.16 of 2014, allowing thereby the petition filed by the prosecution under Section 173(8) of the Code of Criminal Procedure directing the Superintendent of Police, Purulia to cause further investigation in connection with Bagmundi P.S Case No.46 of 2001 dated 2nd December, 2001 under Sections 302/34 of the IPC.

It is submitted on behalf of the petitioners that the Bagmundi P.S Case NO.46 of 2001 was duly investigated by the police attached to the jurisdictional P.S and charge-sheet was submitted against the accused persons namely Hemanta Mahato, Nimai Mahata and Gobindo Mahato.

As the said case is exclusively triable by the court of sessions, the case was committed to the Sessions for trial. The learned Sessions Judge subsequently transferred the case to the 3rd Court of the learned Additional Sessions Judge at Purulia.

After framing of charge, witness evidence was started. After examination of 13 nos. of witnesses, the defacto complainant filed an application under Section 173(8) of the Cr.P.C praying for further investigation in the year 2015. The said application was allowed by the learned trial judge. On the basis of the said order further investigation of the case was taken up by the CID, West Bengal. On completion of investigation, supplementary charge-sheet was submitted against the petitioners and one Bir Singh Mahato who were not named in the FIR and whose names never transpired during investigation of the case at the initial point of time.

On the basis of the supplementary charge-sheet filed sometimes in 2018, the learned trial judge took cognizance of offence against the petitioners and the said Bir Singh Mahato. It is alleged by the petitioners that since Bir Singh Mahato was a member of parliament, the case was transferred to the special court at Bidhannagar for trial of offences allegedly committed by the M.Ps and M.L.As.

By filing the instant revision petitioner have assailed the order dated 12th August, 2015 passed by the learned Additional Sessions Judge, 3rd Court at Purulia allowing the prayer made by the defacto complainant for further investigation of the case under Section 173(8) Cr.P.C.

I have heard the learned Advocate for the petitioners.

The petitioners have challenged the order dated 12th August, 2015 by filing the instant revision in the year 2022. The instant revision is hopelessly barred by limitation. Moreover, the impugned order was already acted upon on the basis of the impugned order CID took up the case for investigation. On conclusion of investigation CID submitted charge-sheet against the accused persons. Therefore, this court does not find any merit in the instant revision.

Accordingly, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)