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April 20,
2022
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C.R.R. No.232 of 2015

In Re: An application under Section 401 of the Code of Criminal Procedure;

Samsuddin Sekh
Versus
The State of West Bengal & Ors.

Ms. Sreyashee Biswas.
...for the State.

The present revisional application has been preferred at the instance of the complainant, being aggrieved by the order dated 2nd July, 2014 passed by the learned ACJM, Diamond Harbour, South 24 Parganas in respect of Diamond Harbour Police Station Case No.238 of 2013 dated 03.05.2013.

Ms. Biswas, learned advocate appearing for the State submits that over the selfsame incident on the basis of a complaint filed by the mother of the deceased, Diamond Harbour Police Station Case No.165 of 2012 was registered for investigation and subsequently charge-sheet was submitted on or about 25th April, 2013 under Sections 498A/304B/306/34 of the Indian Penal Code wherein the present petitioner who happens to be the complainant in Diamond Harbour Police Station Case No.238 of 2013 happens to be an accused.

The petitioner/complainant is the father-in-law of the deceased. An afterthought narration of facts in the form of application under Section 156(3) of the Code of Criminal Procedure

was filed before the jurisdictional court for invoking powers the police authorities for the purpose of registration of a criminal case under Section 302 of the Indian Penal Code over the death of the same victim in respect of whom Diamond Harbour Police Station Case No.165 of 2012 dated 23.05.2012 was registered for investigation. The peculiarity of the present case is that the father-in-law has tried to implicate all the members of the paternal home of the victim for the purpose of settling scores.

Having regard to the foundation of the case and the reasons so assigned by the learned ACJM, Diamond Harbour including the factum of issuing process under Section 211 of the Indian Penal Code, I do not find that there is any illegality in the impugned order. As such, no interference is called for.

Accordingly, CRR 232 of 2015 is dismissed.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)