

19-12-2022
ct no. 34
Sl.14
sp

C.R.R. 476 of 2021

In Re: An application under Section 401 read with
Section 482 of the Code of Criminal Procedure, 1973;

Nasira Gazi

-Versus-

The State of West Bengal & Ors.

Mr. Arindam Jana,
Sk. Toslim Ali,
Ms. Saba Parween

...for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

...for the State

Mr. Habibur Rahaman

....for the respondent nos. 3 to 7

The petitioner being the complainant in connection with Uluberia Police Station Case No. 215 of 2020 dated 30.08.2020, filed an application under Section 173(8) of the Code of Criminal Procedure being dissatisfied with the majority of the persons being discharged in the charge sheet filed by the Investigating Agency and the said charge sheet was accepted by the Court without any notice being issued upon her.

Prima facie there are allegations in the application under Section 156(3) of the Code of Criminal Procedure so far as the other accused persons are concerned. However, what is disturbing in this case is that the slipshod manner

in which the investigation was carried out by the Investigating Officer.

On perusal of the case diary, I am dissatisfied with the manner in which the investigation has been conducted by the Investigating Officer of this case. Accordingly, I am of the opinion that a further investigation should be conducted to unearth the truth instead of proceeding with the case and waiting till the stage under Section 319 of the Cr. P.C. is arrived. Thus, the order dated 25.01.2021 passed by the learned Additional Chief Judicial Magistrate, Uluberia is hereby set aside.

The Officer-in-Charge and/or the Inspector-in-Charge, Uluberia Police Station will depute an Officer other than the Officer who has earlier investigated and direct him to file a report after exhausting the processes involved in the further investigation.

With the aforesaid observations, CRR 476 of 2021 is disposed of.

Needless to state that there are six accused persons who have been named in the application under Section 156(3) of the Code of Criminal Procedure. It is reiterated that all the six accused persons may not be involved in the offence. It would be for the police authority to find out regarding the culpability of the accused persons and thereafter name such accused persons in the charge sheet. Any observation made hereinabove, is for the restricted purpose of deciding the present revisional application and the same should not be utilized for deciding any dispute in

future regarding the merits of the dispute relating to matrimonial discord.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)