

CRR 896 of 2015

In the matter of:- **Ishrat Ara**

.....**Petitioner**

Ms. Sreyashee Biswas

....for the State

None appears on behalf of the petitioner.

The petitioner in the revisional application has assailed the order dated 29.01.2015 passed by learned Chief Judicial Magistrate, Alipore, South 24-Parganas in C-Case No. 509 of 2015.

f The brief facts of the case is that the petitioner filed one application under section 156(3) of the Criminal Procedure Code with a prayer for sending the said petition to the Officer-in-Charge, Ekbalpur Police station for treating the same as FIR and initiate investigation. However the said prayer was turned down by the Chief Judicial Magistrate, Alipore and the petition was registered as a complaint case. Being aggrieved by and dissatisfied with the said order the petitioner has filed the present revision.

Ms. Sreyashee Biswas, learned Advocate for the State submits on the basis of the certified copy of the order annexed to the application that in relation to the facts of the case a specific case was initiated at South Port Police Station being FIR no. 259 of 2014 and pending investigation the petitioner prayed for an order under Section 156(3) of the Criminal Procedure Code. She further draws the attention of the court to the fact that as per post-mortem report the injuries of the victim is ante-mortem in nature and is not consistent with homicidal

death. In view of her aforesaid submissions she prayed that the impugned order under challenge should be affirmed

Upon perusal of the impugned order under challenge it is found that learned Court below after perusing the copy of post-mortem report and considering the medico legal opinion has observed that the death was due to injury on the person of the deceased which was ante-mortem in nature and was consistent with the Road Trafficking accident. It further appears from the impugned order that specific case in relation to the incident was started by South Port Police Station being FIR No. 259 of 2014 and during pendency of such investigation the petitioner approached the court for an order under section 156(3) of the Criminal Procedure Code. Moreover, this court finds that it has rightly been observed by the court below that a separate investigation to find out the cause of the death is neither necessary nor envisaged in law. Thus, the impugned order under challenge does not call for interference.

Accordingly, the present revisional application being **CRR 896 of 2015** is dismissed.

All connected applications, if any, also stand disposed of.

Interim order, if any, also stands vacated.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

