

04.04.2022

Item No.64
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 2436 of 2017
with
CRAN 1 of 2017 (Old No. CRAN 3935 of 2017)**

**Dr. Samaresh Mondal
versus
State of West Bengal & Ors.**

In Re: An Application under Section 482 of the Code of Criminal Procedure filed in connection with G.R. Case No. 1911 of 2016 arising out of Balagarh Police Station Case No. 183/2016 dated 16.09.2016 under Sections 353/332/323/427/504/506/34 of the Indian Penal Code.

Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Malay Bhattacharyya,
Ms. Sudipa Sengupta ... For the Opposite Party Nos. 2 to 4.

None appears for the petitioner.

Opposite parties are represented by their learned advocates.

Report dated 26.11.2019 submitted by Mr. Imran Ali, learned advocate appearing for the State be kept on record.

The grievance of the present petitioner relates to an application under Section 173(8) of the Code of Criminal Procedure which was preferred after the charge-sheet was filed before the jurisdictional court.

Learned Chief Judicial Magistrate, Hooghly by an order dated 07.04.2017 was pleased to reject the application of the present petitioner under Section 173(8) of the Code of Criminal Procedure. On a scrutiny of the order so passed by the learned Magistrate, it reflects that the learned Magistrate

has categorically observed that even in course of evidence if materials surface under Sections 332 and 353 of the Indian Penal Code, at that stage only the necessary charges can be framed and the charges can be altered under Section 216 of the Code of Criminal Procedure.

Having regard to the manner in which the reasons have been assigned by the learned Magistrate, I am of the opinion that no interference is called for at this stage and as such, the order rejecting prayer for further investigation is affirmed.

Accordingly, the revisional application being CRR 2436 of 2017 is dismissed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)