

Item No.2
Ct.No.34
dc.

C.R.R. 2968 of 2017

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973 filed in connection with Lake Town Police Station Case No. 183/2015 dated 08.08.2015 (G.R.No. 713/2015) under Sections 406/420/467/468/120B/34 of the Indian Penal Code.

Mr. Arijit Ganguly,
Mr. Bibaswan Bhattacharya ... For the State.

The petitioner has challenged the judgement and order dated 05.04.2017 passed by learned Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas in connection with Lake Town Police Station Case No. 183/2015 dated 08.08.2015 under Sections 406/420/467/468/120B/34 of the Indian Penal Code.

Mr. Bhattacharya, learned advocate appearing for the State has submitted a report dated 13.04.2022. Let the said report be kept on record.

The report states that notice was served under Sections 160/91 of the Code of Criminal Procedure to the complainant for production of the relevant documents, but it was the contention of the complainant that she would not submit the documents before the Investigating Officer as the same would be produced before the learned court in course of trial. The

charge-sheet of the case has been submitted only on the basis of oral statements and without any documentary evidence in respect of an alleged offence under Sections 406/420/467/468/120B/34 of the Indian Penal Code.

The petitioner being the son of the complainant is aggrieved by discharge of one of the accused persons when the charge-sheet was submitted by the Investigating Officer of the case. The thrust of contention of the learned advocate appearing for the petitioner is that the order dated 05.04.2017 was passed mechanically with the observations that since cognizance has been taken, the court is devoid of power to pass order of further investigation.

I have considered the overall materials appearing in support of the charge-sheet and the documents enclosed along with this revisional application. Having regard to the fact that no document has been relied upon by the police authorities while filing the charge-sheet, I am of the opinion that at this stage, it is very difficult to assess that who are the persons who can be implicated as accused in connection with the instant case. The petitioner has been cited as a witness in the charge-sheet. Liberty is granted to the petitioner to prefer application under Section 319 of the Code of Criminal Procedure after the evidence of the petitioner is over before the learned trial court.

The learned trial court would consider the prayer of the petitioner in the background of the evidence which has surfaced in course of trial and independently decide regarding the contentions advanced therein.

At this stage, I do not think that it would be proper to direct further investigation to be conducted. Accordingly, the revisional application being CRR 2968 of 2017 is dismissed.

Interim order, if any, is hereby vacated.

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

The Investigating Officer of the case is present in Court. His further appearance stands dispensed with.

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.)