

CRR 3234 of 2019
(Via video conference)

In the matter of : Sk. Sabed Ali

.....Petitioner

Mr. Asim Kr. Chakraborty

Mr. Sarthak Barman

.....for the Petitioner

Mr. Partha Sarathi Mondalfor the O.P. No. 2

Md. Anwar Hossain

Ms. Benajir Hesna

...for the State

Affidavit of Service so filed by the learned advocate for the petitioner, be kept with the record.

Learned Advocate for the petitioner submits that the petitioner is aggrieved by refusal of the learned Magistrate for directing the investigating agency to further investigate the case.

The grievance of the petitioner is that although there were specific allegations in respect of a prior incident being pointed out to the investigating officer wherein the accused persons threatened with the dire consequences including crushing the victim by way of an accident yet no steps have been taken.

I have perused the Case Diary, prima facie, in the statement under Section 161 of the Code of Criminal Procedure. Such narration is absent. However there are affidavits by the applicant as well as other witnesses who on oath have narrated such version.

Be that as it may, such charge-sheet as already been submitted and charges are yet to be framed, I do not intend to delay the proceedings at this stage. However, in course of trial if

evidence surface regarding the contentions made by the applicant, the learned Magistrate would be at liberty to invoke the appropriate provision of law for the purposes of amending the charges or invoking the provision under Section 319 of the Code of Criminal Procedure in implicating any persons as accused.

With the aforesaid observations, CRR 3234 of 2019 is disposed of.

Pending application, if any, is consequently, disposed of.

Interim order, if any, is hereby vacated.

Learned Magistrate is directed to proceed expeditiously with the trial of the case.

All parties are to act on the server copy of this order, duly obtained from the official website of this Court.

(Tirthankar Ghosh, J.)