

CRR 3521 of 2018
(Through Video Conference)

In Re: - An application under Section 401 of the Code of Criminal Procedure, 1973.

And

In the matter of: Sitaram Das (Tanti)

.... Petitioner

Mr. Ambu Bindu Chakraborty

...for the Petitioner

Mr. Soupal Chatterjee

...for the Opposite Party No. 2

In this revisional application, an order dated August 30, 2018, passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda has been challenged. By the said order, the learned Magistrate rejected a protest petition filed by the petitioner against the investigation carried out in connection with Harishchandrapur P.S. Case No. 680/14 dated 26.11.2014 under Sections 420/506 of the Indian Penal Code, 1860.

It appears that on the basis of an order passed under Section 156 (3) of the Code of Criminal Procedure, 1973, the case had been registered against the opposite party no. 2.

The petitioner/de facto complaint alleged that the opposite party no. 2 fraudulently executed a sale deed being Deed No. 999/1970 dated January 28, 1970, in his favour whereas as per school record his date of birth was April 27, 1972. The seller in the deed was predecessor-in-interest of the petitioner namely, Fakira Tanti. It was alleged that the opposite party no. 2 had forged the signature of Fakira Tanti.

Upon completion of the investigation, the investigating officer submitted the final report before the learned Magistrate. The final report suggests that upon verification from the relevant registry office, the said deed dated January 28, 1970, was found to be a genuine one.

The investigating officer recorded the statements of some persons, who were associated with the registration of the said sale deed, under Section 161 of the Code of Criminal Procedure. They gave statements to the effect that by the said sale deed the father of opposite party no.2 namely, Rashu Das purchased the property on behalf of the opposite party no. 2 from said Fakira Tanti.

With regard to the age of the petitioner it was found by the investigating officer that during the execution of the said deed, the opposite party no. 2 was around 3 to 4 years of age and that the age of the petitioner at the time of his admission in the school was recorded lesser than his actual age.

The learned Magistrate accepted the said report.

The protest petition filed by the petitioner does not specify any ground or any reason for further investigation of the case. It was only alleged that the petitioner was not satisfied with the investigation without indicating any loopholes in the investigation.

The order of the learned Magistrate does not call for any interference.

Accordingly, **CRR 3521 of 2018** is dismissed.

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

(Kausik Chanda, J.)