

15.05.2023
Court- 42
Item-12

CRR/159/2023

Sanjib Kumar Roy
-Vs-
The State of West Bengal & Anr.

For the petitioner: Mr. Rafat Jahan, Adv.

The petitioner is the unfortunate father of one Sumit Roy, since deceased. The said Sumit Roy was found hanging in his bedroom at Panda Bhaban, Malancha Colony, Hatabari under Contai Police Station. After the death of his son the petitioner being the defacto complainant lodged a complaint against the accused persons alleging, inter alia, that the accused persons committed murder of his son on the basis of his complaint a case under Section 302/120B of the IPC was registered. Subsequently, after investigation police submitted charge-sheet against one Subhadipa Maity Roy, wife of the said Sumit Roy under Section 306 of the IPC.

After filing of the charge-sheet the petitioner filed a naraji petition before the learned ACJM, Contai, Purba Medinipur sometimes in November, 2022. But till 5th January, 2023, the learned ACJM Contai did not pass any order on the said Naraji petition. Finally the petitioner not pressed the said petition on 10th January, 2023 and has filed the instant revision under Section 482 of the Code of Criminal Procedure for issuing a direction for reinvestigation by the CID West Bengal of the case registered by Contai P.S being Case No.330 of 2022 dated 21st August, 2022 pending before the learned ACJM, Contai. With further prayer to constitute an

independent medical expert team to look into the veracity of the postmortem report dated 22nd August, 2022.

Under the Code of Criminal Procedure Power for issuing a direction for reinvestigation under Section 173(8) of the Cr.P.C lies with the learned Magistrate. The petitioner took proper step praying for reinvestigation by filing “Naraji petition” before the learned ACJM against the charge-sheet filed under Section 306 of the IPC. Thereafter the petitioner himself not pressed the said application and the application was disposed of as not pressed.

At this stage this Court exercising revisional jurisdiction cannot direct reinvestigation of a criminal case. Accordingly I do not find any merit in the instant revision and the same is dismissed.

(Bibek Chaudhuri, J.)