

Item No.12
Ct.No.34
dc.

C.R.R. 603 of 2021

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Ms. Anasuya Sinha,
Ms. Subhasree Patel ... For the State.

The said report reflects that service was effected upon the parties. In spite of service, none appears on behalf of the private opposite parties.

Records reflect that in course of hearing of the application being C-192/2020, Sub-Inspector of Police attached to Tangra Police Station submitted a report wherein

another case was registered being Tangra Police Station 268 dated 14.10.2020 under Sections 323/354/34 of the Indian Penal Code which was on the basis of a complaint filed by one Pratima Bhagat wife of Raju Bhagat against the husband of the present petitioner/complainant. In the present case, Pratima Bhagat has been made a proposed accused. In such circumstances wherein a case was registered on the basis of a complaint lodged by one of the parties who was present at the time of the incident and no case was registered on the basis of the complaint lodged by the present petitioner and the learned Magistrate did not think proper to send the application under Section 156(3) of the Code of Criminal Procedure for investigation, I am of the view that injustice has been caused to the present petitioner. It would not be out of place to state that in respect of the same incident, there may be cases and counter-cases. Police authorities are supposed to find out the truth attached to the incident. It is not expected that the police authorities would take the side of one of the parties to the dispute.

Accordingly, the order dated 18.12.2020 passed by the learned Additional Chief Judicial Magistrate, Sealdah in complaint case no. C-192/2020 is hereby set aside.

The Officer-in-Charge, Tangra Police Station is directed to register FIR and conduct an investigation into the allegations made therein. The officer by deputing a police personnel of his choice would submit a report under Section 173 of the Code of Criminal Procedure on conclusion of the said investigation.

Needless to state that this Court has not gone into the merits as to whether a particular person or the proposed persons named as opposite parties/accused persons are involved in the offence, it is for the police authorities in course of the investigation to find out and justify whether they were involved in the offence or not.

With the aforesaid observations, the revisional application being CRR 603 of 2021 is allowed.

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.)