

D/L37
19.07.2023
Bpg.

C.R.R.1039 of 2023

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Shyam Sundar Nag
Versus
State of West Bengal

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld.P.P.
Mr. Rudradipta Nandy
Mr. Imran Ali
Ms. Debjani Sahu.
...for the State.

The compliance report submitted by Joint Commissioner of Police (Crime), Kolkata be kept with the record in a sealed envelope.

The report has been exhaustively prepared after recording the statements of about 10 witnesses in the vicinity, consultation of the records of NRS Medical College and Hospital and the availability of the doctors during the relevant period when the post-mortem was carried out. The communications made to the Principal, NRS Medical College and Hospital along with an enquiry regarding the travel history of the individual complained of on 18.05.2020 from the Calcutta Netaji International Airport to Arab Emirates. The answers to the same are based on documentary evidence. As such, there is nothing to disbelieve the report submitted by the Joint Commissioner of Police (Crime).

Learned ACJM, Sealdah was pleased to reject the application under Section 156(3) of the Code of Criminal Procedure by his order dated 18.06.2022 which was based on his findings.

The petitioner is already facing a criminal trial under Sections 498A/306 of the Indian Penal Code and has tried to implicate the Investigating Officer and the doctors associated with NRS Medical College and Hospital. The said allegations against the police authorities and the doctors are not only baseless but also frivolous. No person under the criminal law can be prevented from initiating any litigation and it would be for the court to assess the same under the circumstances which would either compel to invoke its jurisdiction or deter from exercising its jurisdiction.

The subject matter of the revisional application do not call for any interference. The petitioner in future is directed to be cautious before bringing any allegations against any Officer who is associated with the investigation of the case for which he is facing the trial.

Accordingly, CRR 1039 of 2023 is dismissed.

Pending application, if any, is consequently dismissed.

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 of all requisite formalities.

(Tirthankar Ghosh, J.)

