

23.08.2023
Serial no. 1
[G.S.D]

CRR 1368 of 2023

In the matter of : Nilratan Sardar

... .. Petitioner

Mr. Sabir Ahmed
Mr. Golam Karim Chowdhury
Ms. Suman Biswas

... For the Petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

... For the State

Ms. Sinha, Learned Advocate appearing for the State, has produced the Case Diary wherefrom it reflects that the concerned B.D.O. denied to have issued such death certificates, which is one of the issues relating to the investigation of the case.

According to the Learned Advocate for the State, from the Civil Court the original death certificates were collected.

However, no examination has been conducted to ascertain as to who was responsible for engineering such documents.

Having considered the issue, which is required to be ascertained for the purposes of the criminal case, which is one of the basic foundation to come to a conclusion for unearthing the truth regarding the title of the property, I am

of the opinion that the Investigating Officer, who submitted the Supplementary Charge-sheet, would continue with the investigation and arrive at its findings so far as the above issues are concerned and submit another Report before the jurisdictional Court under Section 173(8) of the Cr.P.C.

The aforesaid investigation will not deter the Learned Trial Court to proceed with the trial of the case.

The observation of the Learned Judicial Magistrate, 1st Class, 1st Court, Diamond Harbour, thereby rejecting the prayer for further investigation in his order dated 14.3.2023 is hereby set aside. The rest of the order would remain same. If, charges are framed, the Court would proceed with the evidence of the case. Further investigating report be preferably filed within a period of three months from date.

The Report, so submitted, be kept with the report.

With the above observations, CRR 1368 of 2023 is disposed of.

Pending application, if any, is also disposed of.

The Investigating Officer of the case is present in Court and his further appearance for the day is dispensed with.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)