

30.11.2023
Sl. No. 38
Suman
Ct.No.32.

CRR 1323 of 2017

Arati Ruidas
Vs.
The State of West Bengal and Ors.

Nobody appears on behalf of either of the parties.

On earlier occasion, no one represented the petitioner and no accommodation was sought for. This matter relates to year 2017, accordingly, the instant case is required to be disposed of on merit.

Petitioner has challenged an order dated 14.03.2017 passed by the learned 3rd Judicial Magistrate, Diamond Harbour, South 24 Parganas in connection with Falta Police Station case No.128 dated 02.06.2011 under Sections 143/323/427 of the Indian Penal Code corresponding to G.R. Case No.956 of 2011, thereby the Ld. Court below rejected the application of the petitioner seeking re-investigation of the aforesaid case.

The brief facts of the case is that the complainant lodged a written complaint to the effect that on 01.06.2011 evening at 19 hours a dispute

arose over the issue of catching cocks, the FIR named accused persons and others came to the complainant's house and with Ballam, Kathari and started abusing filthy languages. On protest the accused persons/opposite parties assaulted the complainant by Kathari while her son tried to rescue her. The accused persons also snatched away one golden earring and also ransacked her household articles and further assaulted her husband. On the basis of the said complaint, Falta P.S. Case No. 128 dated 02.06.2011 under Sections 143/324/379/427 of the Indian Penal Code was registered. After investigation by the Investigating Officer, a prima facie case was established against the accused persons under Sections 143/324/427 of the Indian Penal Code.

Later charge was framed u/s 147/324 IPC against the accused person and trial started but the present petitioner filed an application before the learned Court below praying for further investigation or reinvestigation of the aforesaid case.

Application filed by the petitioner was rejected by the learned trial Court with the observation that charge under Section 147/324 IPC has been framed against the accused persons and trial started as such

prayer for further investigation or re-investigation cannot be allowed at the stage of trial.

Under the above circumstances, this court does not find any perversity or illegality in the impugned order. Furthermore, no reasonable grounds set out for reinvestigation.

Consequentially, the revisional application being **CRR NO. 1323 of 2017** is devoid of merit and is thus dismissed without order as to costs.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties on usual undertakings.

(Ajay Kumar Gupta, J.)