

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.R. 1631 of 2013

**Sambhunath Chakraborty
Vs
State of West Bengal**

For the Petitioner : Mr. Sourav Chatterjee

For the State : Mr. Bidyut Kumar Roy

Heard on : 14.03.2023, 03.08.2023.

Judgment on : 08.08.2023

Ananya Bandyopadhyay, J.:-

1. The instant criminal revisional application has been filed by the petitioner against an order dated 18.01.2013 passed by Learned Additional Chief Judicial Magistrate, Durgapur and praying for re-investigation in a criminal proceeding in connection with Durgapur Police Station Case No. 21/2011 dated 19.01.2011, arising out of GR Case No. 66 of 2011, under Sections 325/326/307/34 of the Indian Penal Code.
2. The petitioner herein had filed a petition being M.P. Case No. 205 of 2010 before the Court of Learned Additional Chief Judicial Magistrate, Durgapur, inter alia stating that the complainant was married to the accused no. 4. On the proposal of accused no. 1, to purchase a house worth of Rs.2,25,000/- the complainant paid the aforesaid sum to accused no. 1

and insisted completion of registration formalities in his favour but in vain. The complainant and accused no. 4 gave birth to a female child. The complainant was admitted at Bidhannagar State General Hospital due to his illness and was discharged on 16.09.2008. The complainant/petitioner left for Kolkata on 17.09.2008 while his wife and daughter resided at the disposal of accused no. 2. On his return from Kolkata, complainant/petitioner learnt that his wife and daughter were residing at her parental house. Complainant reached the parental house of the accused no. 4 but was denied entry into the house and was not allowed to meet his child. The complainant demanded to return money for purchase of house as aforesaid but was assaulted by accused no. 1 and 2 putting kerosene oil on his body and setting him ablaze. Thereafter, he was admitted at DSP Main Hospital wherefrom he was shifted at SSKM Hospital with 90 per cent burn injury. He filed the aforesaid complaint under Section 156 clause 3 of the Criminal Procedure Code for necessary directions from the Learned Trial Court.

3. The Learned Trial Court, subsequently, asked the investigating agency to treat the aforesaid complaint as F.I.R. and submit a report. On completion of the investigation a final report no. 155 of 2011 dated 20.02.2011 was filed stating that no evidence could be gathered against the F.I.R. named accused persons so they may be kindly discharged from the case.
4. The petitioner had filed a naraji petition being dissatisfied with the submission of FRT no. 155 of 2011 dated 20.12.2011. Vide order no. 10 dated 18.01.2013, the Learned Trial Court observed that the Investigating Officer while submitting the FRT had prayed for filing prosecution report

against the present petitioner under Sections 182/211 of the Indian Penal Code for lodging false information before a public servant to the detriment of innocent person, however, the Learned Trial Court rejected such prayer of the prosecution and finally dismissed the application filed by the petitioner praying for re-investigation of the case giving liberty to the petitioner to file a complaint case to prove the allegation against the accused person with the help of his own evidence or witness.

5. On perusal of the contents of the instant revisional application along with the materials on the case diary, this Court finds no reason to interfere with the impugned order which is reasoned taking into consideration the materials on the case diary. Moreover, liberty as well as scope had been granted to the petitioner to agitate his grievances appropriately.
6. Under such circumstances, the instant criminal revisional application is dismissed.
7. Accordingly, the instant criminal revisional application stands disposed of.
8. There is no order as to cost.
9. Let the copy of this judgment be sent to the Learned Trial Court as well as the police station concerned for necessary information and compliance.
10. All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

(Ananya Bandyopadhyay, J.)