

D/L37
14.05.2024
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C.R.R.1785 of 2023
In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Marjina Bibi @ Morjina Bibi
Versus
The State of West Bengal

Mr. Tapan Datta Gupta
Mr. Parvej Anam
Mr. Sourav Sardar.
...for the petitioner.
Mr. Madhusudan Sur
Ms. Sujata Das.
...for the State.

The investigation of Haroa Police Station Case No.392 of 2018 ended in a final report based on mistake of fact. I have taken into account the opinion of the investigating officer of the case which do not prima facie seem to be based on prudent foundation as the medical report also reflects that there were head injuries in respect of the dead body of the deceased which was recovered in a decomposed condition. I also find from the initial complaint that from inception the de facto complainant was apprehensive regarding the factum of the accused persons exerting their influence in the investigation, the same may be correct or incorrect. However, it was the duty of the police authorities to find out and not to leave the same without unearthing the truth. After all, the present is a murder case. Having regard to the manner in which the investigation was conducted, other angles were supposed to be worked out by the investigating agency and they should not have restricted themselves merely on the views of the scientific experts.

Having regard to the facts that the de facto complainant

has lost her son and the investigation of the case was not completely upto the mark, I direct that the investigation of the present case be handed over to the CID, Bhawani Bhawan, West Bengal. ADG, CID, West Bengal is directed to appoint an investigating officer from the Homicide Section who would further conduct the investigation in respect of Haroa Police Station Case No.392 of 2018 for unearthing the truth.

Accordingly, the order dated 10th January, 2023 passed by the learned Additional Chief Judicial Magistrate, Basirhat in connection with G.R. Case No.2923 of 2018 is hereby set aside.

Learned advocate for the State is directed to communicate this order to the ADG, CID, West Bengal who would act in accordance with law, as directed above.

With the aforesaid observations CRR 1785 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

Case diary be returned to the learned advocate appearing for the State.

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.)

