

04-10-2024
S. Das
Item no.20
Ct no.32

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 2004 of 2021

Md. Nowsad Ali @ Mohammad Naushad Ali
-versus-
State of West Bengal

None appears on behalf of either of the parties. No accommodation has been sought for.

Even on two earlier occasions, i.e., 9th July, 2024 and 3rd October, 2024, no one appeared on behalf of either of the parties when the matter was called on. No accommodation had also been prayed for on their behalf.

The record is taken up for disposal on merits to avoid further delay since the case is pending for long three years.

By filing this Criminal Revisional application under Sections 401/482 of the Code of Criminal Procedure, 1973 challenges the impugned order dated 23rd August, 2021 passed by the Learned Additional Chief Judicial Magistrate, Basirhat in connection with G. R. Case No. 4082 of 2020 pertaining to Haroa P. S. Case No. 342 of 2020 under Sections 341/325/427/506 of the Indian Penal Code, 1860 and under Sections 3 & 4 of the Explosive Substances Act, 1908 now pending before the Learned Additional Chief Judicial Magistrate, Basirhat, whereby the Learned Trial Court took cognizance after filing of the supplementary charge-sheet against the accused person.

Brief facts of the case are that on the basis of written complaint lodged by the de-facto complainant to the effect that on 26.09.2020 at about 17.30 hrs the accused and others desperately tried to enter into Sirajul Islam's Pilling Centre at Dharmatala More under Haroa PS using filthy languages and with an intention to kill to Sirajul Islam with Daa, Kurul, Sabal and deadly weapons. The complainant along with Sirajul Islam and other workers fled away in fear. The accused persons also damaged some portion of said office by throwing bombs. The accused persons also took away some cash, fish and other articles from the office. The accused persons also went to the house of Sirajul Islam and also bombing there. Hence, a Haroa P.S Case No. 342/2020 dated 27.09.2020 under Sections 341/325/427/506 of the Indian Penal Code, 1860 and under Sections 3 & 4 of the Explosive Substances Act, 1908 was initiated against the accused persons.

After completion of investigation, charge sheet was submitted against the accused Nazrul Islam only.

Feeling aggrieved and dissatisfied with the charge sheet, filed by the investigating officer, the de-facto complainant had filed a protest petition before the Learned Court below under Section 173 (8) of the Cr.PC. The said application was taken up by the Learned Magistrate and after considering the entire materials in the Case Diary, it observed by the Learned Magistrate that the investigation was not properly done and the investigation is performed by the Investigating Officer improper and perfunctory manner.

In view of the said facts, the Learned Magistrate directed

for re-investigation of the case directing to appoint the other officer except the existing police personnel who had investigated the case.

After such direction for re-investigation, the another police officer has investigated the case and finally submitted a supplementary charge sheet being No. 295/2021 dated 31.07.2021 under Sections 341/325/427/506 of the Indian Penal Code, 1860 and Sections 3/4 of the Explosive Substances Act, 1908 against the accused person, namely, Nazrul Islam.

On the basis of said supplementary charge sheet and upon perusal of the materials available in the Case Diary, the Learned Magistrate found prima facie case against the accused person for commission of an offence punishable under Sections 341/325/427/506 of the Indian Penal Code, 1860 and Sections 3/4 of the Explosive Substances Act, 1908 and proceeded and taken cognizance under Section 190 of the Cr.PC and further issued process under Section 204 of the Cr.PC upon the accused who was absconder and fixed the next date for execution report of the warrant of arrest.

Upon perusal of the said impugned order, this Court does not find any illegality or perversity in the impugned order because there is no scope to give further chance to be heard to the de-facto complainant. Furthermore, this Court also does not find any sufficient reasons to allow further re-investigation. Hence, this Criminal Revisional application found devoid of merits.

Accordingly, the revisional application being **CRR 2004 of 2021** is, thus, dismissed.

Consequently, connected applications, if any, are also, thus, disposed of.

Let a copy of this order be communicated to the learned court below for information and taking necessary action.

All concerned parties are to act in terms of a 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 on compliance of all legal formalities.

[Ajay Kumar Gupta, J]