

09.04.2024
Sl.No. 14
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 1980 of 2017

Anindita Chanda Das
Vs.
The State of West Bengal and ors.

Nobody appears on behalf of either of the parties on call. Even on earlier occasion no one represented the petitioner. No accommodation sought for.

This case pertains to the year 2017. The case record is taken up for disposal of this case on merit considering the nature of prayer and to avoid further delay.

By the present application filed under section 401 read with section 482 of the Criminal Procedure Code, 1973, petitioner challenges the impugned order dated 21.03.2017 passed by the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas in connection with G.R. Case no. 2107/2012 arising out of Sonarpur PS case no. 479/2012 dated 9.6.2012 under sections 498A/304B/302/34 of the IPC thereby the learned Magistrate rejected the prayer of the petitioner for further investigation.

The factual matrix of the instant case is that one Nabanita Chanda Dey, victim got married with one Sujit Dey. Their marriage was registered on 12.6.2005. After marriage she went to her matrimonial home to lead her conjugal life.

Out of the said wedlock one child was born. From the very initial stage of marriage the petitioner was tortured by her husband and in-laws both physically and mentally for demanding of more dowry. She lodged a General Diary in the Sonarpur PS. Their torture did not stop. The husband has assaulted her on 8.6.2012 and finally they murdered her by setting on fire.

The defacto-complainant petitioner herein on 9.6.2012 lodged a complaint against the husband and in-laws which resulted in registration of Sonarpur police station case no. 479/2012 dated 9.6.2012 under section 498A/304B/302/34 of the IPC, 1860. After culmination of investigation a chargesheet was submitted by the investigating officer being chargesheet no. 903/2012 dated 3.9.2012 under sections 498A/304B/302/34 of the IPC against the husband and other accused persons. Upon submission of the chargesheet the learned Magistrate took cognizance of the alleged offences.

The defacto-complainant raised an objection and suspected the investigating officer has not investigated the case in a proper manner and filed chargesheet being no. 903/2012 dated 3.9.2012 under sections 498A/304B/302/34 of the IPC without examining witnesses, who knew the actual facts of the case. Accordingly the petitioner filed an application before the learned Magistrate praying for further investigation, but the said learned

Additional Chief Judicial Magistrate rejected the prayer for further investigation.

By feeling aggrieved and dissatisfied with the said order, the instant revisional application has been filed before this court. As such the revisional application has come up before this court for disposal.

Upon perusal of the revisional application and annexures thereto as well as the impugned order passed by the learned Magistrate, this court finds during investigation, the I.O visited P.O arrested the FIR named accused, examined the witnesses and recorded their statements under section 161 Cr.P.C. Apart from that the investigating officer also recorded the statement of the child namely, Samriddhi Dey, aged about 5 years under section 164 of the Cr.P.C collected the postmortem report and finally found prima facie case has been established as per the collected materials during investigation against the 4 accused persons under section 498A/304B/302/34 of the IPC including the husband. The learned court below has thoroughly gone through the statement recorded by the investigating officer and found sufficient materials and form an opinion that a prima facie case against the accused persons has been made out and took cognizance against the accused persons.

Under such circumstances, this court do not find any merit for further investigation of the said case, when sufficient materials collected during the investigation against

the accused persons as accusations made by the defacto-complainant.

Consequently, this court do not find any illegality or error in jurisdiction or law in passing such rejection for further investigation.

Under the above facts and circumstances, the instant revisional application being **CRR 1980 of 2017** is thus dismissed without any order as to costs.

Interim order, if any, stands vacated.

Let the order be communicated to the Ld. Court below for information.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)