

29.01.2024

**Item No.35
BR**

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

CRR 2169 of 2015

Gouri Mondal

-vs-

State of West Bengal & Ors.

Ms. Amita Gaur

... for the State

Nobody appears on behalf of the petitioner. Even on earlier occasion no one represented the petitioner. No accommodaton sought for.

State has filed the copy of judgment dated 2nd April, 2019. Let it be placed with the record.

By presenting this revisional application the petitioner being the de facto complainant challenges the charge sheet/ final report dated 22.11.2014 being No. 637/14 submitted before the learned Additional Chief Judicial Magistrate, Alipurduar P.S. Case No. 243/13 dated 9.6.2013 under Sections 307/302/34 of the Indian Penal Code corresponding to GR Case No. 1272 of 2013..

It is the contention of the petitioner that the investigation was not done by the Investigation Officer properly and it has been filed on the basis of perfunctory investigation and finally charge sheet was submitted under Section 306 in place of Section 307/302/34 of the IPC and also not charge sheeted and deleted the name of opposite party no. 3. According to the petitioner the charge sheet was totally on the basis of imaginary and neglectful investigation. Accordingly, her prayer for further investigation is required to be allowed.

On the other hand, opposite party no. 2 and 3 also did not appear and they did not represented nor any accommodation sought for.

The learned counsel for the State submits that the charge sheet has not challenged before the learned trial Court. They have directly came before this Court seeking for further investigation. Furthermore, she submits that a final judgment has been passed by the Additional District and Sessions Judge, Fast Track Court-I, Alipurduar in SC Case No. 73/2015 and finally came to the conclusion that the prosecution fails to prove the case beyond reasonable doubt against the accused. Accused, namely, Sampa

Mandal found not guilty for the offence punishable under Section 306 of the IPC and she has been acquitted from the charge under Section 235(1) of the Cr. P.C.

Under such circumstances, I do not find any reason to allow prayer for further investigation.

Accordingly, CRR 2169 of 2015 is, thus, dismissed without any order as to costs.

Let a copy of this order be sent to the learned Court below for information and necessary action.

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

(Ajay Kumar Gupta , J.)