

23.09.2024
Sl.No. 7
Ct. 32
Amalranjan

In The High Court At Calcutta
Criminal Revisional Jurisdiction
Appellate Side

CRR 2899 of 2017

Saraswati Roy
Vs.
The State of West Bengal and ors.

Mr. S. Kundu
Mr. Amit Kr. Ghosh.....opposite party no. 5

1. No one appears on the behalf of the petitioner on call.
No accommodation has been sought for.
2. This case pertains to the year 2017.
3. Even on earlier occasion, nobody represented the petitioner, no accommodation was prayed for despite service of administrative notice upon the petitioner.
Considering the age of the instant case and to avoid further delay, record is taken up for disposal.
4. Having heard the learned counsel for the opposite parties and upon perusal of the record, this Court finds that the petitioner has filed this criminal revisional application under section 482 of the Cr.P.C challenging the impugned order dated 11.05.2017 passed by the learned Additional Chief Judicial Magistrate at Alipore arising out of Canning PS case no. 85 of 2015 dated 10.02.2015, thereby the learned Court below rejected the protest petition of the de-facto complainant.

5. Brief facts of the case are that de-facto complainant filed a complaint alleging, inter alia, that her son was murdered by the petitioner/accused persons and hanged in her house with a towel as such a Canning P.S. Case No. 85 of 2015 dated 10.02.2015 u/s 302/34 of the IPC has been registered against the accused persons. Subsequently, after completion of investigation, final report as mistake of fact was filed and the same was accepted by the learned trial court and rejected the prayer of the Petitioner.
6. Investigating Officer took up investigation works, visited PO, examined number of witnesses and recorded their statements. Investigating Officer also issued notice upon the complainant asking her to produce documents or any reliable evidence but she failed. It appears from the materials on record that the victim committed suicide in his residence. Accordingly, no sufficient materials found during interrogation against the FIR named accused persons. Accordingly, he finally filed final report as mistake of facts and the same was accepted by the learned Court below with a reasoned order and rejected the prayer for re-investigation as there was no scope to re-open the case since I.O could not collect any sufficient materials during investigation and the investigation work appears to be sincere and impartial. There was nothing to disbelieve the investigation was not properly done.

7. In the facts and circumstances of the case, this court does not find any sufficient reason to interfere with the order passed by the learned trial court.
8. Accordingly, **CRR 2899 of 2017** is, thus, dismissed.
9. Interim order, if any, stands vacated.
10. Let the order be communicated to the Ld. Court below for information and compliance.
11. All parties are to act in terms of the copy of this order downloaded from the official website of this court.
12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J.)