

07.05.2024

Item No.27
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3810 of 2023

In the matter of : **Gopal Choudhury @ Pappu** ... Petitioner.

Ms. Swarnali Saha,
Mr. J. Bhattacharya,
Mr. Abhradip Jha ... For the Petitioner.

Mr. Dipankar Paramanick ... For the State.

Ms. Sujata Das ... For the Opposite Party Nos. 2, 3 and 4.

The petitioner is aggrieved by the report under Section 173 of the Code of Criminal Procedure/charge-sheet submitted in connection with Harishchandrapur Police Station Case No. 919 of 2022 dated 04.10.2022. Subsequently the petitioner being the *de facto* complainant preferred an application under Section 173(8) of the Code of Criminal Procedure. The grievance of the petitioner is that being assaulted by one iron bar, the petitioner viz. Gopal Choudhury @ Pappu received severe bleeding injury on his head and was shifted to Bhaluka Rural Hospital and at that time the doctor who was in-charge of treatment of the injured administered seven stitches on his head and thereafter he was referred to Malda Medical College and Hospital.

The *de facto* complainant/petitioner submits that the Investigating Officer of the case did not receive the injury report from Bhaluka Rural Hospital and also never visited the place of occurrence. The same seems to be incorrect as in the charge-sheet so submitted, I find that the Medical Officer viz. Dr. Neelufar Yeasmin of Bhaluka Bazar PHC has been cited

as a witness. The injury report referred to in the case diary is also of the said witness. Thus, on the said issue further investigation is not required as the Investigating Officer of the case to that extent has properly conducted the investigation.

So far as the other issue is concerned that in spite of the injuries being severe, the Investigating Officer submitted charge-sheet under Section 325 of the Indian Penal Code, I direct the learned trial court that at the stage of consideration of charges, the learned trial court will take into account the seriousness of the injuries and its severity and whether change of sections is required in respect of the injuries complained of and the materials so collected by the investigating agency in support of the same. The learned Magistrate would independently consider regarding the applicability of sections on which the accused may be asked to face the charges.

However, the reasons so assigned do not appeal to this Court for further investigation in view of the fact that the investigation being carried out in a proper manner. The only dispute is regarding the applicability of the sections which the learned Magistrate would decide at the relevant point of time as directed above.

With the aforesaid observations, the revisional application being CRR 3810 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 concerned 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 with all requisite formalities.

(Tirthankar Ghosh, J.)