

16.01.2024
Sl.No. 60
Ct. 32
Amalranjan

**In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side**

CRR 3634 of 2017

Srabanti Paul
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, nor accommodation sought for.

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

The instant revisional application has been filed by the petitioner under sections 401 read with section 482 of the Criminal Procedure Code, 1973, challenging the correctness, legality and propriety of the impugned order dated 24.08.2017 passed by the learned Additional Chief Judicial Magistrate, Kalyani Nadia in G.R. case no. 937 of 2017 arising out of Kalyani PS case no. 273/2017 dated 29.7.2017 under sections 498A/325/34 of IPC thereby rejected the application praying for further investigation or re-investigation filed by the defacto-complainant on the ground that proper investigation has not been done by the IO as such direction may be passed for re-investigation. The

allegation against the accused persons was under section 326 of the IPC, as such impugned order is liable to be quashed or set aside and further directed for re-investigation.

Upon perusal of the application including the annexures thereto as well as the impugned order, this court finds that after investigation the chargesheet has been submitted against the accused persons under section 498A/325/34 of IPC. The learned court below has gone through the record as well as the injury report and found no any justified ground to pass an order for reinvestigation. However, the learned court below has given a liberty to raise issue at the time of trial before the learned trial court.

Accordingly, I do not find any illegality or patent error in jurisdiction or law in passing such order, when the investigation has been done by the IO and material collected during the investigation constituted prima facie materials under section 498A/325/34 of the IPC.

Accordingly, the instant revisional application being **CRR 3634 of 2017** is 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.)