

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 4728 of 2022

Tapan Roy Paul

Vs.

Gobinda Sarkar & Ors.

For the Petitioner : Mr. Satrajit Sinha Roy.

For the State : Mr. Arijit Ganguly,
Ms. Trina Mitra.

Hearing concluded on : 04.11.2024

Judgment on : 06.11.2024

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for setting aside of the order dated 20th August, 2022 passed in Sinthi P.S. Case No. 141/15 dated 10th October, 2015 under Sections 325/ 326 /307 /369 /398 /400 /506 /120B of the Indian Penal Code recorded as G.R. Case No. 3316 of 2015 by the learned Additional Chief Judicial Magistrate, Sealdah.
2. The case of the petitioner is that the application under Section 173(8) of the Code of Criminal Procedure was necessitated as the Final Charge Sheet No. 15/16 dated 29th February, 2016 (G.R. Case No. 3316 of 2015) was submitted under Sections 341/323/114 of the Indian Penal Code. Accuseds no. 1 & 2 were charge sheeted. FRT was submitted against rest of the accused persons.
3. The police case being Sinthi P.S. Case No. 141/1 dated 10th October, 2015 was recorded under Sections 325 /326 /307 /369 /398 /400 /506 /120B of the Indian Penal Code read with Section 25A of the Arms Act.
4. The complaint in the present revision was filed on 25th September, 2015/4th October, 2015 by filing an application under Section 156(3) of the Cr.P.C., wherein it appears that the wife of the complainant was the accused no. 1 and the mother in law of the complainant was the accused no. 2. In all there were 19 accused persons.
5. The complainant's allegation was that the accused persons committed a dacoity in his flat and kidnapped his two minor children during the absence of the complainant. The complainant has stated that he was grievously hurt with dangerous deadly weapon as he was assaulted with a revolver and had suffered grievous injuries. Further allegation was that,

accused no. 1, the wife of the complainant had initiated 13 cases under Section 498A of the IPC and that his wife along with the other accused persons had entered the flat and committed the said dacoity and taken away all valuables. It was further alleged that the accused no. 1, that is the wife of the complainant was having a relationship with the accused no. 12 and hence the said case.

6. From the case diary placed by the State, it appears that on completion of investigation charge-sheet was filed against the wife and mother being accused no. 1 and 2 under Sections 341/323/411 of the IPC. FRT was submitted against rest of the accused persons. Subsequently, the wife and the mother-in-law who had been charge-sheeted moved the Hon'ble High Court and the proceedings including the charge-sheet against them was quashed. After six whole years the complainant/petitioner moved the learned Magistrate who vide his order dated 20.08.2022 was pleased to accept the final report in respect of the other accused persons and discharged them from the said case.
7. The learned Magistrate was of the view that the dispute was between the de facto complainant and his wife (accused no. 1) and having found no fault with the investigation, accepted the said final report vide the order dated 20.08.2022.
8. It appears that from the order of the learned Magistrate that though charge-sheet and the final report was submitted before the Court in the year 2016, the same was kept pending by the Court till 20.08.2022. The delay in accepting the FRT has not been explained. It, thus, appears that the said proceedings have been quashed against the two charge-sheeted

accused persons and the other accused persons have all been discharged on the FRT being accepted.

9. The learned counsel for the petitioner has submitted on the basis of his supplementary affidavit filing several other documents which this Court finds are not relevant to the present dispute. The learned counsel for the petitioner/defacto complainant has further stressed upon the medical report at page 29 of the case diary.
10. From the materials on record and the case diary including the medical report, this Court finds that the investigation conducted by the investigating officer suffers from no irregularity or illegality and there has been a fair investigation. Thus there has been no abuse of the process of law.
11. **It is admitted that the complainant is now residing with his wife, the accused no. 1, who was charge sheeted.** The dispute prima facie has been settled between them. As such, the dispute between the defacto complainant and the two charge-sheeted accuseds does not remain as the proceedings against them has been quashed and there being no materials on record against the other accused persons, this Court finds no reason to interfere with the order under revision, the order of the learned Magistrate challenged, before this Court being in accordance with law.
12. **The revisional application being CRR 4728 of 2022 is thus dismissed.**
13. All connected application, if any, stands disposed of.
14. Interim order, if any, stands vacated.

15. Copy of this judgment be sent to the learned Trial Court for necessary compliance.
16. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)