

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

Present:

The Hon'ble Justice Md. Shabbar Rashidi

CRR 3545 of 2025

Ruby Dey

Versus

The State of West Bengal & Anr.

For the petitioner : Mr. Dipanjan Chatterjee, Adv.
Ms. Rimpa Adhikari, Adv.
Ms. Kakan Das, Adv.
Mr. Chiranjib Sinha, Adv.

For the State : Mr. Arijit Ganguly, Adv.
Mr. Sujan Chatterjee, Adv.

Heard & Judgment on : 24th September, 2025

Md. Shabbar Rashidi, J:-

1. Petitioner and State are represented.
2. The instant revisional application has been filed at the behest of the de-facto complainant assailing an order dated June 10, 2025 passed by the Additional Chief Judicial Magistrate, Alipore. By the impugned order, the learned Additional Chief Judicial Magistrate

rejected the prayer of the de-facto complainant /petitioner for further investigation of the case.

3. It is submitted on behalf of the petitioner that the investigation of the case being Parnashree Police Station Case No. 455 of 2023 dated 07.11.2023 was conducted in a perfunctory manner. The case relates to certain deeds and documents. No such documents were seized by the Investigating Officer during investigation. Initially, the case was started under Sections 420/465 /467/468/471 of the Indian Penal Code. However, after investigation charge-sheet was submitted under Section 420 of the Indian Penal Code.

4. The de-facto complainant/petitioner is aggrieved by such investigation and submission of charge-sheet, only under Section 420 of the Indian Penal Code.

5. Learned advocate for the State submits that in the entire documents relating to the transactions between the de-facto complainant and the accused were seized by the Investigation Officer and forms part of the Case Diary.

6. The de-facto complainant /petitioner filed Parnashree Police Station Case No. 455 of 2023 dated 07.11.2023 as against the accused persons, promoter. It was the allegation of the de-facto complainant that the petitioner entered into an agreement for sale of

a flat. Registered deed of conveyance was also executed in his favour. Though, possession of the said flat was not handed over to the de-facto complainant/petitioner.

7. Subsequently, the petitioner came to know that the flat in question was illegally transferred by the accused persons in favour of some third party by changing the flat numbers irrespective of the existence of a registered deed of conveyance in favour of the present petitioner.

8. The petitioner lodged a written complaint over the issue and such complaint was registered as Parnashree Police Station Case No. 455 of 2023 dated 07.11.2023, under Sections 420/465/467/468/471 of the Indian Penal Code.

9. The case was investigated by the police and on conclusion thereof, charge-sheet was submitted under Section 420 of the Indian Penal Code.

10. Being aggrieved, the petitioner/ de-facto complainant filed petition under Section 173(8) of the Code of Criminal Procedure seeking a direction upon the police for further investigation of the case. Such application filed on behalf of the petitioner was rejected by the impugned order dated 10th June, 2025. It was held by learned Additional Chief Judicial Magistrate, Alipore that on perusal of the First Information Report, it reflected that there was no

allegation of forgery. Learned advocate also took into consideration the statement of the de-facto complainant recorded under Section 161 of the Code of Criminal Procedure. The said statement also did not contain anything in reference to the offences which I.O. did not incorporate in the charge sheet. On such pretext, the petition of the de-facto complainant was rejected.

11. As noted above, it transpires from the order impugned that learned Magistrate considered the materials in the Case Diary including the statement of the de-facto complainant and did not find any material to direct further investigation. At the time of hearing learned advocate for the State also submitted that all the necessary documents were seized by the police in course of investigation which forms the part of the Case Diary.

12. Besides the allegation that certain documents were not seized by police during investigation and that the certain sections of offences were not incorporated in the charge sheet, no specific materials were shown that the allegations contained in the petition of complaint on the investigation justified inclusion of such sections in the charge sheet. As noted, all the documents were seized during investigation which forms part of the case diary.

13. In such circumstances, I find no infirmity in the order impugned and I am not minded to interfere with this order.

14. The petitioner is at liberty to avail his legal remedies before the learned Trial Court in course of the trial.

15. Accordingly, **CRR 3545 of 2025** is disposed of.

16. Learned Magistrate is expected to hear and dispose of the case arising out of Parnashree Police Station Case No. 455 of 2023 as early as possible.

17. Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance of all formalities.

(Md. Shabbar Rashidi, J.)