

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

20.02.2025
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C.R.R. No. 3884 of 2024

In Re : An application under Section 528 of the BNSS read with
Section 442 of the BNSS..

And

In Re : Prasenjit Mondal @ Prosenjit Mondal petitioner

Mr. Gouranga Kumar Das
Ms. Poulami Dutta

..... for the petitioner

1. Learned Counsel for the petitioner submits he is the complainant. It is also submitted investigation was not done in a proper manner. Though some persons were named by witnesses before learned Magistrate they have not been cited as accused in the charge-sheet. Hence, he prayed for further investigation which has been turned down.

2. I have considered the materials on record including the impugned order. In the impugned order learned Magistrate rightly observed that the statements of the witnesses under Section 164 of the Code of Criminal Procedure merely expressed suspicion against same persons. Their earlier statements before police, however, do not implicate them. In this backdrop learned Magistrate rightly declined prayer for further investigation.

3. I clarify in the event credible evidence comes on record against other persons it shall be open to the trial court

to invoke its power under Section 319 of the Code of Criminal Procedure and array them as accused in accordance with law.

4. With this clarification the application is disposed of.

5. Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Joymalya Bagchi, J.)