

Item No. 36
01.09.2025.
ap

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

C.R.R. No. 4110 of 2023

**Owajed Khan
Versus
The State of West Bengal & Anr.**

Mr. Arijit Ganguly.

...For the State.

1. Heard the learned Counsel appearing on behalf of the State.
2. The petitioner has preferred this application under Section 482 of the Code of Criminal Procedure, 1973 (in short "Cr.P.C.") challenging the impugned order dated August 25, 2023 passed by the learned Additional Sessions Judge, 1st Court at Contai, Purba Medinipur in S.C. Case No. 292 of 2023 arising out of Contai Police Station Case No. 321 of 2022 dated August 12, 2022 under Sections 302/376/120B of the Indian Penal Code, 1860 pending before the learned Court of Additional Sessions Judge, 1st Court at Contai.
3. By the said impugned order, the learned Additional Sessions Judge, Contai rejected the application dated 10th May, 2023 as preferred by the de-facto complainant praying for re-investigation of the case by some other Investigating Officer apart from Investigating Officer, who had conducted the investigation and submitted the charge-sheet in the present case.

4. None appears on behalf of the petitioner at the time of call. No accommodation is sought for. Even on earlier occasion, none appears on behalf of either of the parties. This case is pending since 2023.

5. Considering the nature of the prayer and the pendency of this matter since 2023, this Court preferred to dispose of this case on merit on the basis of the materials available in the case records.

6. The brief facts of the case are that on August 12, 2022, the petitioner made a complaint before the Inspector-in-Charge, Contai Police Station against Raymat Ali Shah, Joyed Ali Shah, father and Rohima Bibi, mother under Sections 302/376/120B of the Indian Penal Code, 1860 and the same was registered as Contai Police Station Case No. 321 of 2022.

7. Upon completion of investigation, the Investigating Officer of the case submitted a charge-sheet being C.S. No. 360 of 2022 under Sections 306/120B of the Indian Penal Code against the opposite party no. 2, Raymat Ali Shah and prayer was made to discharge other two accused persons as no materials found against them from the said case.

8. Being dissatisfied with the said discharge of that two accused persons by the Learned ACJM, Contai, the petitioner filed an application before the Learned Sessions Court praying for re-investigation by another investigating officer since earlier investigating officer did not investigate the case properly and there is lacuna in the investigation.

However, the Trial Court has rejected his prayer for reinvestigation contending, inter alia, that after careful perusal of the charge-sheet, the learned Court below i.e. learned Additional Chief Judicial Magistrate, Contai on 3rd November, 2022 took cognizance of the offence mentioned in the charge-sheet on the same day and committed the case for trial before the Learned Sessions Judge.

9. The de-facto complainant filed an application before the Learned Sessions Judge praying for re-investigation by another investigating officer on several grounds. After hearing the parties, the Learned Sessions Judge rejected such prayer with reasoned order.

10. Petitioner did not challenge the cognizance taken and discharge other two accused persons. Therefore, discharge order remains final. However, petitioner filed application praying for re-investigation before the Learned Sessions Judge and same has been rejected is the subject matter in this revisional application.

11. On perusal of the charge-sheet, it was found that the Investigating Officer of the case had prayed for discharge of the accused persons mentioned in the written complaint of the case on the ground that no sufficient materials found during the investigation.

12. The Learned Sessions Judge further found that from the charge-sheet especially the statements recorded under Section 161 of the Cr.P.C. which indicate there was an illicit relationship between the deceased and the accused No. 1

and when the said illicit relations came to light, the deceased had committed suicide by hanging. It was also found from the statements that the dead body of the deceased was recovered from her room which was locked from inside. The inquest report and post mortem report also show that the cause of death on account of ante mortem hanging. As such, there was no material available against the discharged accused persons with regard to the alleged offence from the entire Case Diary.

13. It is also found the investigating officer has conducted the investigation in proper manner and ultimately charge sheet has been submitted against one accused person and no materials found against other co-accused persons, who are father and mother of the accused no. 1. Even on prima facie materials substantiated against those two accused persons. Considering the whole facts, it was concluded by the learned Sessions Judge that there is no scope to allow the application for reinvestigation of this case as there is no merit and finally rejected the said application for prayer for reinvestigation.

14. The Learned Sessions Judge discussed the entire facts of case and has also placed reliance of judgments to come to conclusion of aforesaid findings. This Court does not want to repeat the same.

15. In the backdrop of the above facts and circumstances of the case, this Court also does not find any sufficient materials from the record and/or valid grounds to allow his

prayer for reinvestigation. This Court does not find any illegality or infirmity with the order passed by the learned Sessions Court and the same is calls for no interference. Furthermore, the Learned Sessions Judge may add their names if some materials transpired during trial under Section 319 of the CrPC corresponding to Section 358 of BNSS and could be tried together with the accused, the Court may also proceed against such person for the offence which he appears to have committed.

16. Accordingly, **CRR 4110 2023** is, thus, **dismissed**. Consequently, all connected pending applications, if any, are also disposed of.

17. Interims orders, if any, shall stand vacated.

18. Let a copy of this order be communicated to the Trial Court for information.

19. All parties are to act in terms of the copy of this order downloaded from the official website of this court.

(Ajay Kumar Gupta, J.)