

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

CRR 100 of 2025

Sri Nepal Roy

Vs.

The State of West Bengal

For the petitioner

:Mr. Gobinda Saha, Adv.

Mr. Tamal Kr. Sen, Adv.

Ms. Priyanka Dey, Adv.

Mr. Milan Ch. Laskar, Adv.

For the State

:Mr. Nilay Chakraborty, Ld. APP

Mr. Sourav Ganguly, Adv.

Heard On :

:04.04.2025

Judgment On

:11.04.2025

Bibhas Ranjan De, J. :

1. An instant revision application has been filed, vehemently assailing the order dated 11/02/2025 passed by the Ld. Chief Judicial Magistrate, wherein a 'Naraji' petition seeking further investigation was rejected, thereby precipitating a fresh wave of legal scrutiny and fervent contestation.
2. On 21.04.2024 the petitioner filed a complaint before the inspector-in-charge, Kotowali Police Station, Jalpaiguri, alleging that on 19.04.2024 his brother, Gopal Ray, who had just concluded a captivating performance with a band party group in a marriage ceremony, was tragically struck by a speeding motorcycle bearing registration no. WB/72/P/5634 (black color) while returning home. The impact was so severe that his brother suffered fatal injuries and was rushed to the hospital, where, despite the valiant efforts of the doctor, he was pronounced dead, leaving behind a trail of devastation and despair.
3. The written complaint so filed was duly registered as Kotowali Police Station Case No. 288/24 dated 21.04.2024 under Section 279/304A of the Indian Penal Code. One Parimal

Chandra Baidya, Sub Inspector of Police attached to Kotowali Police Station took up investigation and submitted report in final form as mistake of fact (FRMF No- 522/2024 dated 31.08.2024 under Section 279/304A of the Indian Penal Code).

- 4.** On receipt of notice of FRMF, defacto complainant entered appearance and filed one 'Naraji' petition before the Court of Ld. Chief Judicial Magistrate, who then accepted the FRMF after rejecting the 'Naraji' petition, which has been impugned in this revision application.
- 5.** The Ld. Chief Judicial Magistrate accepted the report in final form i.e. mistake of facts (FRMF) after rejecting 'Naraji' petition, holding, inter alia, that none of the witnesses, including the complainant, supported the contents of the F.I.R.
- 6.** Mr. Gobinda Saha, Ld. Counsel appearing on behalf of the petitioner vehemently argued that the Investigating Officer had failed to take into account the crucial aspect of injury, as well as the expert opinion of the Post Mortem doctor, when formulating the final report through a table work, thereby

rendering the investigation incomplete and potentially flawed due to a table work only.

7. Per contra, Mr. Sourav Ganguly, Ld. Counsel appearing on behalf of the State has drawn my attention to the case dairy and contended that flawless investigation of this case clearly established that no such incident alleged in the written complaint ever took place.
8. I have meticulously scrutinized the evidence gathered during the investigation, pouring over every detail with utmost diligence and care.
9. It is not disputed that Gopal Ray i.e. brother of the complainant succumbed to injuries sustained on account of motor accident, duly ratified by the Post Mortem report. But only issue before this Court is whether the accident occurred either by the involvement of any speeding motor cycle or autorickshaw owned by Gopal Ray since deceased.
10. Following the registration of the complaint, a thorough investigation was conducted by the Investigating Officer, but the evidence gathered during the probe surprisingly unveiled a narrative that starkly contrasted with the account presented in the First Information Report. Notably, none of the witnesses

testified to the Police that the accident occurred due to the rash driving of any motor cycle, thereby leaving nothing shrouded in mystery.

11. According to written complaint on the fateful day said Gopal Ray since deceased had been to a marriage ceremony accompanying a band party group. Investigating Officer examined as many as nine (9) witnesses including defacto complainant of this case as well as witnesses who attended that particular marriage ceremony by recording their statement under Section 161 of the Code of Criminal Procedure.

12. As the Investigating Officer conducted his thorough investigation, a chorus of witnesses including defacto complainant uniformly attested that the victim, in a state of inebriation, had suffered injuries while operating his own autorickshaw which had tragically capsized in a ditch, leaving a trail of devastation in its wake. Therefore, the evidence unearthed during the investigation unequivocally contradicted the assertions delineated in the First Information Report, thereby rendering the initial allegations baseless and devoid of factual substance.

13. Thus being the position, Ld. Chief Judicial Magistrate accepted the report of the Investigating Officer, which was meticulously compiled in the light of the evidence gathered during the thorough investigation, and rightly so, as the collected evidence failed to corroborate the version presented in the First Information Report. Consequently, the entirety of the evidence gathered during investigation cannot be reduced to mere table work without application of mind, for it is only through the discerning lens of critical thoughts that the true significance can be distilled and its relevance accurately assessed.

14. After meticulous deliberation and exhaustive examination of the aforementioned discussion, it is hereby held that this Court finds no justifiable ground to intervene with the order impugned, thus rendering the revision application become devoid of merits.

15. As a sequel, the revision application being no. CRR 100 of 2025 stands considered and dismissed. However with no order as to cost.

16. Let the Xerox copy of case diary be returned.

- 17.** All parties to this revision application shall act on the server copy of this order downloaded from the official website of this Court.
- 18.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

[BIBHAS RANJAN DE, J.]