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CRR 1371 of 2026

Dipti Chowdhury (Sasmal)
Vs.
The State of West Bengal & Ors.

Ms. Dipti Chowdhury (Sasmal) ... petitioner (in person)

Md. Shah Jahan Hossain
Ms. Sansida Sultana
Mr. Souvik Shaw ...for the O.P. nos. 2 to 5

Mr. Kallol Mondal, Ld. PP
Mr. Imran Siddiqui ... for the State

In this application, the petitioner, who is appearing in person, has prayed for setting aside the impugned order dated 15.10.2025 by which the court below has rejected the petitioner's prayer for further investigation.

Being aggrieved by the aforesaid order, petitioner, who is appearing in person submits that the instant case deserves an order of further investigation but the Trial court failed to consider the same and rejected the petitioner's prayer. Learned Magistrate failed to consider that the Investigating officer failed to record the statement of both the petitioner and the defacto-complainant under Section 164 of the Code of Criminal Procedure and unless a further investigation is done, the truth will not reveal. Therefore, the impugned order suffers from illegality and impropriety and therefore, the said order is liable to be set aside.

Learned counsel for the opposite party nos. 2 to 5 submits that the court below was justified in passing the order impugned since the same petitioner earlier filed a protest

petition (Naraji Petition), which was rejected by the court below vide order dated 5.8.2019 in respect of which no challenge was preferred. Therefore, the order impugned does not suffer from any perversity or impropriety and does not call for interference by this High Court.

Learned counsel for the State adopted the argument made on behalf of the petitioner.

Having considered the submissions made on behalf of both the parties, it appears that the court below while passed the order impugned was of the clear view that the instant case should be ordered for further investigation for the ends and interests of justice and further to prevent prejudice to the complainant and miscarriage of justice. However, what prevented the court below to pass the order for further investigation, is that earlier the same court rejected the petitioner's prayer for further investigation by an order dated 5.8.2019 and therefore, the court below was of the view that the court below can not review his own order and thereby cannot permit the Investigating agency to make further investigation after setting aside his earlier dismissal order dated 5.8.2019.

Having considered the facts and circumstances of the case, I am of the view that when the court below is of definite opinion that further investigation is required in the instant proceeding to prevent prejudice to the complainant and miscarriage of justice, it can not be disallowed merely on the ground of lack of power to review earlier order.

Therefore, the instant application being CRR 1371 of 2026 is hereby disposed of with a direction upon the court below to direct the Investigating agency to make further investigation with further direction to submit a final report in either form at the earliest.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)