05.10.2026
Serial nos. 17
[AN]
Ct. No. - 39

CRR/2306/2026

In re : An Application under Section 482 of the Code of Criminal Procedure, 1973

-And-

In the matter of : XXXX

… … Petitioner.

Mr. Wrickbrata Roy
Mr. Nistar Molla
Mr. Sankalpa Bhattacharjee
Ms. Shreyoshee Bhattacharjee

… for the petitioner

Mr. Amitabha Ghosh
Ms. Arpita Paul Biswas

… for the O.P.

1. By filing this revisional application, the petitioner prays for further investigation in respect of charge sheet no. 01/24 in connection with Gariahat P.S. Case No. 157 dated 18.07.2023 under Sections 376/417 of the Indian Penal Code, 1860 corresponding to Sessions Case No. 32(2)23 pending before the learned Additional District & Sessions Judge, 8th Court, Alipore, South 24 Parganas.
2. Learned advocate appearing for the petitioner submits that the petitioner is the de facto complainant, who had lodged the complaint against three accused persons. However, after conclusion of investigation, the charge sheet has been submitted against only one accused person, and the other two accused persons have been made prosecution witnesses

in the charge sheet, despite their involvement in the commission of the offence as alleged.

3. He further submits that the examination-in-chief and cross-examination of the de facto complainant has already been done and completed in full and discharged. He prays for further investigation of the case; otherwise, the whole case would be spoiled, and the petitioner/de-facto complainant would be prejudiced.

4. Having heard the learned counsel for the petitioner and upon perusal of the materials on record, this court finds that the de facto complainant lodged a complaint to the effect that the FIR-named person cohabited with the complainant for a long time with a false promise of marriage, since 2001. Subsequently, a charge sheet has been submitted against the sole accused.

5. The de facto complainant, feeling aggrieved with the charge sheet submitted by the investigating agency, contended that the investigation was perfunctory, arbitrary, biased and conducted with the object of shielding the perpetrators. However, she did not file any protest petition or Narazzi petition after filing the charge sheet before the trial Court. Now, the trial has commenced after framing of charge against sole accused. Even if, for the sake of argument, it is assumed that the other accused persons are involved in the crime, they may be added as an accused subsequently in accordance with Section 319 of CrPC if anything revealed against them during

trial. There is ample opportunity to add a person as an accused, if material transpires during the trial. Moreover, the Petitioner has not assigned grounds or reasons to allow her prayer for further investigation at this stage of evidence, even though further investigation is legally permissible even after the charge sheet has been filed and the trial has commenced, provided there is fresh material or a compelling need to unearth the truth.

6. In view of the above facts, the instant revisional application is devoid of merits and is liable to be dismissed.
7. Accordingly, **CRR 2306 of 2026** stands **dismissed**.
8. Connected applications, if any, also stand disposed of.
9. Interim order, if any, stands vacated.
10. Let a copy of this order be communicated to the learned trial court for necessary compliance.
11. All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.
12. The concerned Department is directed to supply urgent certified Photostat copy of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Ajay Kumar Gupta, J.)