

17.02.2026

Court No.34

S/L. 6.

sg

CRR 1882 of 2023

In the matter of: **Md. Afaq @ Afaq**

...Petitioner.

Mr. Amit Roy
Mr. Tanmoy Biswas
Ms. Antara Mukherjee

...for the petitioner.

Mr. Sourav Mondal
Mr. M. Nazar Chowdhury
Mrs. Priyanka Saha
Ms. Farheen Rais

...for the opposite party.

Mr. Debasish Roy, Ld. P.P.
Mr. Imran Ali
Mrs. Debjani Sahu

...for the State.

1. Compliance report has been placed before this Court; let it be kept with the record. It prima facie transpires sufficient evidences were not found against the Kalim namely Sadique Alam in this case. Therefore, investigating officer did not mention their name as accused.

2. This revisional application has been filed under Section 482 of the Criminal Procedure Code after charge sheet was submitted on 30th September, 2021 under Sections 341/325 of the Indian Penal Code and added Section 302 of the Indian Penal Code with a prayer to reinvestigate and filed fresh charge sheet or added co-accused person in the charge sheet.

3. It is submitted by the learned advocate representing the petitioner who is defacto-complainant. It is submitted that FIR was lodged on 1st July, 2021. Second FIR was lodged on 15th August, 2021, it was not tagged with the present petitioner who was charged only nine and other accused persons not charge sheet. Police authority did not take any legal action even though present petitioner lodged a second FIR against Sadique Alam.

4. Learned advocate representing the opposite party raises objection and submits that after filing of the charge sheet no such prayer was made for investigation.

5. It is submitted by the learned advocate appearing for the petitioner one Naraji Petition is pending.

6. Memo of evidence has handed over on behalf of the prosecution be kept with the record where it was specifically mentioned that accused was directly involved in the case one deceased Yusuf Reza @ Yusuf Ali.

7. Heard the submissions. Perused the records, in this case charge sheet has been submitted under Sections 341/325 of IPC and added Section 302 IPC then it has come one Naraji Petition is pending before the learned Court of Magistrate for disposal.

8. Hence this Court is unable to consider the prayer as to why this revisional application has filed before this Court after charge sheet has filed. In view of the catena of decisions suggests are there when in order to have fair justice, petitioner is at liberty to pray for reinvestigation or further investigation but instead of that

recourse petitioner opted filing revisional application whereby this Court under inherent jurisdiction ought not to have interfered at this stage.

9. Hence learned Magistrate is directed to proceed with the application pending before him as submitted before this Court by the learned advocate appearing for the petitioner as expeditiously as possible.

10. Hence this revisional application being CRR 1882 of 2023 is dismissed without cost.

11. Parties are to act on the server copy of this order downloaded from the official *website* of the Calcutta High Court.

[Chaitali Chatterjee (Das), J.]