

**Order No. 09**

**dt. 04.5.26**

Today is fixed for passing order.

The record is now taken up for passing order on merits in the instant criminal motion.

The Revisionist of the instant motion has preferred herein the instant Criminal Motion challenging the Order dated 14.01.2025 passed by the learned Judicial Magistrate 3<sup>rd</sup> Court, Serampore (hereinafter referred to as J.M.) in connection with G.R. Case No. 2478 of 2022 u/s 498A/406/323/120B of I.P.C. The genesis of the matter as averred by the petitioner in this revision petition culminating in the order impugned is as follows :

One complaint petition was filed by the petitioner-wife Angana Malik u/s 156(3) of the Cr.P.C. against the accused persons i.e. husband Soumyajyoti Mullick, father-in-law Baladeb Mullick, mother-in-law Purabi Mullick and sister-in-law Soumyasree Mullick i.e. opposite parties No. 1 to 4 (hereinafter referred to as O.P.) before the Id Court of A.C.J.M. Serampore on 12.12.2022 praying therein for directing the I.C. of Uttarpara P.S. for treating the said complaint as F.I.R. and to investigate thereupon. The said prayer was allowed by the Id court and upon such direction the I.C. registered the said complaint as F.I.R. and started Uttarpara P.S. Case No. 459 of 2022 dt. 15.12.2022 u/s 498A/406/323/120B/34 of the I.P.C.

Thereafter the I.O. of this case conducted perfunctory investigation into the matter and on 01.3.2023 submitted charge sheet against the O.P. Nos. 1 to 3 u/s 498A/ 406/323/34 of the I.P.C. and did not submit the charge sheet against the O.P. No. 4 Soumyashree Mullick following which the cognizance of the said offences was taken and the Id court was pleased to transfer the case for trial before the court of Id J.M. 3<sup>rd</sup> Court, Serampore. Thereafter the petitioner/defacto complainant filed a petition u/s 173(8) of the Cr.P.C. before the transferee court on 25.01.2024 which was thereafter heard in presence of both the sides on 14.01.2025 on which day the impugned order was passed by the Id J.M. thereby dismissing the said petition of the petitioner.

Being aggrieved by and dissatisfied with the aforesaid order, the defacto complainant as revisionist has filed the present criminal motion.

As the revisionist in the present motion did not appear before this court and further did not file his show cause reply, the instant motion is hereby decided on merits. Before delving into the matter, this court while going through the TCR of this case, notices that the trial court has already ended the pending criminal proceeding before it on 10.10.2025 by recording a judgment of acquittal in favour of the charge sheeted accused persons before ordering the sending of the TCR to this court 19.11.2025.

contd.

**Criminal Motion 32 of 2025** J.O. Code : WB01302

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Section 173(8) of the Code of Criminal Procedure, 1973 empowers the police to conduct further investigation even after submission of charge-sheet, and the Magistrate is also competent to direct such further investigation in appropriate cases. The object of such provision is to ensure a fair and complete investigation before or during the pendency of the proceedings. However, the said provision presupposes the existence of a pending proceeding before the criminal court. Once the trial has concluded and a judgment has been delivered, the trial court becomes functus officio so far as the said proceeding is concerned. In the present case, even if this Court were to interfere with the impugned order and direct further investigation, the same would not have any practical effect in as much as the trial has already concluded. The power under Section 173(8) CrPC cannot be invoked to indirectly reopen a concluded trial or to circumvent a judgment of acquittal. Thus, this Court is of the considered view that the present revision has been rendered infructuous by subsequent events and no effective relief can be granted herein. In view of the above discussion, this Court holds that the present criminal revision has become infructuous and is not maintainable at this stage.

Hence the instant Criminal Motion No. 32 of 2025 is dismissed without any contest.

Let a copy of this order be sent to the Ld. Judicial Magistrate, 3rd Court Serampore along with the TCR.

**Dictated & corrected by me**

**Sd/-  
Additional Sessions Judge, 2<sup>nd</sup>  
Court, Serampore.**

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