

S.T. 01(12) of 2022
S.T. 68 of 2020
CNR No. WBHW060000492020
Present : Mr. Mintu Mallick, Additional Dist. & Sessions Judge, Amta, Howrah
(J.O. Code : WB00694)

Order No. 13 dated 04.12.2023

Out of 3 (Three) accused persons on Court bail, two accused persons namely Tarun Bali and Priyanka Bali are present. One Uttam Bali is absent by petition and prays for representation U/S 317 Cr.P.C.

Heard both sides.

C.S.W. 1 is present today. The Ld. Public Prosecutor-in-charge of this case by filing a petition submits that the accused persons have been put on trial with the charges U/S 450/307/326/354B/34 I.P.C. but the relevant documents are lacking in the record or even in the case diary.

According to the Ld. Public Prosecutor-in-charge that though the victim was medically treated initially at Amta hospital and thereafter at Medical College & Hospital, Calcutta, S.S.K.M. hospital and lastly at Uluberia S.D. Hospital but unfortunately the relevant papers in original have not been collected by the Investigating Officer namely S.I. Nema Ghosh, the then at Amta P.S.

On perusal of the materials on record it is detected that while submitting the report in final form, the Investigating Officer did not comply the provision of Section 173(5) Cr.P.C. far of to say submission of medical papers as pointed out by the Ld. Public Prosecutor-in-charge of this case. Now while appreciating the materials available on record it can safely be presumed that the Investigation of this case has not been carried out in proper direction and the report in Final Form, as submitted has the effect of harboring the accused persons. There is a serious lapse on the part of the Investigating Officer in not collecting the medical papers and also not complying with the provision of Section 173(5) Cr.P.C. for which the victim may not get justice.

It is a fit case to record a F.I.R. against the Investigating Officer U/S 166A of the Indian Penal Code and to proceed against Investigating Officer, Nema Ghosh, Departmentally.

In the facts and circumstances let a copy of this order be transmitted to the Superintendent of Police, Howrah (Rural) District with a request to proceed against the Investigating Officer for the reasons as pointed out and also to submit

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the original medical papers that could be relied upon by the Prosecution in terms of the provision of Section 173(5) Cr.P.C., by submitting a Supplementary Charge sheet U/S 173(8) Cr.P.C.

Another copy of this order be transmitted to the Director General of Police, Government of West Bengal, for information and necessary action.

In the fact and circumstances, recording further evidence of this case be kept in abeyance till submission of supplementary report U/S 173(8) Cr.P.C.

Let the matter be brought into the notice of the victim of this case.

Fixing 02.02.2024 for action taken report by the Superintendent of Police, Howrah (Rural) District.

Accused persons are as before.

Dictated & corrected by me

Additional Sessions Judge,
Amta, Howrah

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Amta, Howrah