

**In the Court of The Additional Chief Judicial Magistrate, 2nd Court,
Raghunathpur, Purulia**

Present – Sri. Gautam Kumar Nag,
Additional Chief Judicial Magistrate,
2nd Court, Raghunathpur,
Purulia.

Case no:- GR 577/18

CIS no: 982/2018

JO Code: WB01033

Order dt:- 28/3/24

Accused person filed absent petition.

Defacto complainant filed hazira.

Today is fixed for passing of order.

The case record is now taken up for passing of order.

Perused the petition as filed by the defacto complainant and it appears that this case had been initiated on the basis of the written complaint submitted by Yasmin Parveen and the case was registered as Para P.S case no. 97/18 dated 12.9.18 u/s 279/337 IPC and the defacto complainant had got no knowledge about the investigation and submission of charge sheet and later on receiving the witness summon came to know that Sayed Asgar Hossain who is a male person and also not the driver of the offending vehicle had been made accused in this case whereas Shehnaz Khatun was the actual driver at the time of the incident and also the registered owner of the vehicle being no. WB 82/9851 and hence prayed before this case for further investigation of this case.

On perusal of the formal FIR this court finds that investigation has initiated against driver of WB 82/9851 and on careful study of the written complaint it appears that no where the defacto complainant had stated the name Shehnaz Khatun who was driving the scooty on the alleged date of incident. Case diary has been called for and on perusal of the case record this court finds after completion of investigation notice had been issued by the I.O to the defacto complainant. But the defacto complainant remained silent and this case was transferred before this court for trial and so the fate of investigation had already been intimated by the I.O to the complainant.

As observed in 'Hasanbhai Valibhai Qureshi Vs. State of Gujarat (2004) 5 SCC 347', the prime consideration for further investigation is to arrive at the truth and do real and substantial justice. In this present case no where in the written complaint it had been written that Shehnaz Khatun was driving this scooty and even after submission of charge sheet the defacto complainant had not filed any narazi petition for further investigation even after notice being served.

So with the above view the petition as filed by the defacto complainant is considered and rejected.

Return case diary to Ld. APP. Issue summon to CSW no.1.

To 22.5.2024 for evidence.

S/d

Sri. Gautam Kumar Nag,
Additional Chief Judicial Magistrate,
2nd Court, Raghunathpur,
Purulia.