

Order dated 27.02.2019.

Today is fixed for passing order with regards to a petition under section 173(8) Cr.P.C. filed by defacto complainant namely Parshwanath Ghosh.

The case record is taken up for passing order.

This is the petition praying for further investigation of the case.

The contents of the instant petition in short are that the concerned I.O. submitted charge sheet without examining the witnesses and without seizure of original documents. The original documents related to this case is lying in the custody of the petitioner and the document in question should be examined by the appropriate authority. The statements of Mr. Debottam Duttachowdhury, the tend BDO and Mr. Sudipta Biswas Jt. BDO were not taken at the time of investigation though their names transpired from the information received by way of the provisions of RTI Act, 2005. The petitioner also alleged that during the investigation by the investigating officer the members of relevant Puja committee and Inspector in charge of the then Falta P.S. who was the convener of the said Puja were also not examined.

So, further investigation is prayed for by the complainant.

CONSIDERATION

It appears from the allegation of the complainant that in course of investigation the statements of the persons named were not recorded. So, the investigation was not completed in proper way.

It is the duty of the court to see whether such allegation of the complainant will cause the harm for tendering the proper justice or not? It is also to see whether there is any remedy in the criminal Procedure Code to meet such allegation, if any, at the time of trial? It is apparent that all the proposed allegations are redress-able at the time of trial. In the Code of Criminal Procedure there are clear procedure to take additional witness, adding the accused persons, altering the charge from one offence to another offence, considering and exhibiting material evidence like original documents in question as claimed by the complainant. Concerning upon all aspects on case record and Case Diary also, it is reasonably appeared that the investigation procedure was held substantially and there is any lacuna, if any, as alleged by the petitioner, will not go to the root of merit for detrimental to the justice system.

Hence,

it is,

ORDERED

that the petition under section 173(8) Cr.P.C. filed by the complainant is hereby considered and rejected on contest as per above observation.

Fix 15.07.19 for framing of charge.

