

IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
GARHBETA, PASCHIM MEDINIPUR

Present: Sri Vikramjit Sen
J.O. Code WB01178

Garhbeta P.S. 494 of 2022
G.R. Case No.653 of 2022
CIS – 677 of 2022

Order dated 26.04.2024:

Today is fixed for passing of Order.

However, due to cease-work by the Local Bar Association on the ground of extreme heat wave, no step is taken by the accused person as well as the de-facto complainant.

Nevertheless, this Court has given proper hearing to all sides and today is only fixed for Order.

So to avoid unnecessary delay, record is taken up for passing of the Order in respect of the Narazi petition/written objection filed by the de facto complainant against the final report submitted by the I/O in the form of mistake of fact.

On the previous date this Court had heard all the sides in full.

In the present case, the I/O after investigation has submitted his final report being Garhbeta P.S. FRMF No.677/2022 dated 23.11.2022. The I/O after investigation found that the FIR mentioned vehicle bearing Registration No. WB33E-8919 had no role in the accident which had claimed in the life of two persons. The I/O had even seized the said FIR mentioned pick up van having registration No. WB33E-8919 and conducted its mechanical examination. The report of the same is kept with the C/D.

On the contrary to what is stated in the FIR, the I/O found that the victims of the accident were themselves riding motor cycles rashly and negligently and they collided with each other resulting in serious injuries to the riders as well as a pillion rider. The I/O had also collected the mechanical examination report of the said two motor cycles, one having registration No.WB34BK-7645 belonging to Ahamadulla Khan and the other having Registration No.WB34BZ-3461 belonging to Munna Ahir. The mechanical examination report which are kept in the C/D shows that both these two motorcycles had suffered damage extensively. The front headlight, visor, instrument clusters of both the motor cycles are found to be damaged on mechanical examination.

. . . *Cont'd.*

A pick up van causing accident being driven negligently and rashly in high speed must have sustained some damage if indeed it was involved in any accident as alleged. The van cannot hit two motor cycles causing the death of the victims and remains scratchless without any damage. The statement of the de facto complainant recorded under Section 161 of Cr.P.C. at page 11 of the C/D itself shows that the de facto complainant lodged the FIR under mistake of fact. The I/O had seized both the motor cycles which were involved in the accident as already noted above. The pick up van which is shown as the offending vehicle at the time of lodging of FIR has no role to play in the incident. Perhaps the present case was filed with ulterior motive of claiming insurance amount.

I find no reason to disturb the finding of the I/O arrived after proper investigation and order re-investigation of the case as prayed by the de facto complainant.

Accordingly, the narazi petition filed by the de facto complainant stands dismissed.

Hence, the final report submitted by the I/O being Garhbeta P.S. FRMF No.677/2022 dated 23.11.2022 is hereby **accepted** and the accused person is discharged from this case.

Sureties are also to be discharged after expiry of the appeal period.

Inform the Ld. Advocates of both sides.

GRO to give note in relevant registers and CIS.

Sd/-
A.C.J.M. (I/C.)
Garhbeta, Paschim Medinipur.