

In The Court of Smt. Priyanka Saikia, JMFC,
Sonitpur, Tezpur

Case No: C.R. 696/2022

Saleha Begum –vs- Sajna Begum and others

14-11-2022

Complainant is present along with her engaged counsel.

I have perused the complaint. Upon perusal it is found that the complaint petition is accompanied by a prayer to get the complaint investigated into by police in order to secure the ends of justice.

Heard the complainant.

The present complaint has been filed against the accused Sajana Begum, Aazid Hussain and Momi Begum alleging that the accused person illegally entered into complainant' land tried to throw her out from her land along with complainant's family. The accused persons came with sharp weapons to attacked her and her family members. Accused persons has criminally misappropriate Rs.20,000/- of complainant. They also threatened to dire consequence.

Considering the nature of allegations made in the instant complaint, I am of the opinion that a police investigation is required in this case for proper adjudication of the allegations.

Section 156(3) of the Code empowers any Magistrate empowered to take cognizance of any cognizable offence to order investigation by Officer-In-Charge of concerned

police station.

The Hon'ble Supreme Court of India in the case of ***Priyanka Srivastava & another vs. State of U.P. & others*** (2015) 6 SCC 287 held that there has to be prior applications under Section 154(1) and 154(3) of the Cr.P.C. before filing a petition under Section 156(3) of the said Code. Both the aspects should be clearly spell out in the petition and necessary documents to that effect shall be filed. Such petition must be supported by an affidavit so as to put a deterrent effect on the casual invocation of jurisdiction under Section 156(3) of the Code. Such direction passed under the said provision must be conducive to justice and not an abuse of the process of law.

As such, in exercise of power conferred upon this court under Sec. 156(3) of Cr.P.C., O/C Tezpur P.S. is hereby directed to register a case treating this complaint as an ejahar and investigate the same as per law.

A copy of this order along with a copy of the instant complaint be forthwith forwarded to the O.C. Tezpur P.S. for information and necessary action

The case is accordingly disposed of.

B/A and D/A to do the needful.