



HIGH COURT OF TRIPURA
AGARTALA

Crl.Petn. No.21 of 2026

SRI SUDIP GOSWAMI

S/o Sri Brajalal Goswami, R/o Rabindranagar, Ward No. 51, PO-
Renters Colony, PS- East Agartala, District- West Tripura.

....Petitioner(s)

Versus

The State of Tripura Represented by the PP, High Court of Tripura,
Agartala.

....Respondent(s)

For Petitioner(s) : Mr.K.D.Singha, Advocate.

For Respondent(s) : Mr.Raju Datta,PP.

Date of hearing and : 22.06.2026
Delivery of Judgment/
Order

Whether fit for reporting :

Yes	No.
	✓

=B=E=F=O=R=E=

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

=O=R=D=E=R=

Heard Ld. Counsel of the petitioner, namely, Mr.
K.D.Singha. Also heard Ld. PP, Mr. Raju Datta for the State.

[2] On conclusion of the investigation in West Agartala P.S
Case No. 2025 WAG070 registered under Sections
318(4)/336(3)/340(2) of Bharatiya Nyaya Sanhita (for short-
BNS),2023, the Investigating Officer ultimately laid the chargesheet on
11.06.2025 against the present petitioner, Shri Sudip Goswami under
Section 336(3)/340(2) of BNS,2023. Lateron, the police made a prayer
to the Ld. Chief Judicial Magistrate, West Tripura, Agartala on
23.02.2026, praying for further investigation of the case to gather
additional evidence and also to ascertain whether one memorandum



of Council of Ministers was forged or not and to collect certain necessary documents and also to record statement of some witnesses further, and to collect report of SFSL. Ld. Chief Judicial Magistrate vide order dated 23.02.2026 allowed the said petition.

[3] Ld. Counsel of the petitioner submits that without hearing the accused person, said petition was allowed by Ld. Chief Judicial Magistrate. More so, according to Ld. Counsel, without any fresh ground, Ld. CJM allowed further investigation.

[4] Ld. PP submits that as per Section 173(8) of Code of Criminal Procedure, it is prerogative of the Investigating Officer to go for further investigation of the case, if the same is required for interest of the investigation and therefore, the accused has no right to challenge the same. Ld. PP also submits that without even hearing the accused, such prayer can be disposed of by Ld. Magistrate. Accordingly, Ld. PP prays for dismissing the Criminal Petition.

[5] In support of his contention, Ld. PP relies on a decision of Hon'ble Supreme Court in case of **State Through Central Bureau of Investigation vs. Hemendra Reddy and Another; (2023)16 SCC 779**, wherein at Paragraph No.84 the followings were held by the Hon'ble Apex Court:

"84. Thus, a conspectus of the aforesaid decisions of this Court rendered in cases where final reports (closure reports) had already been submitted and accepted makes the position of law very clear that even after the final report is laid before the Magistrate and is accepted, it is permissible for the investigating agency to carry out further investigation in the case. In other words, there is no bar against conducting further investigation under Section 173(8) CrPC after the final report submitted under Section 173(2) CrPC has been accepted. It is also evident, that prior to carrying out a further investigation under Section 173(8) CrPC, it is not necessary for the Magistrate to review or recall the order accepting the final report."

[6] This Court after hearing the parties does not find any substance in the Criminal Petition to entertain the same. It is statutory



privilege of the Investigating Officer to go for further investigation, if the situation so demands for the sake of investigation.

[7] As per the above said decision of the Hon'ble Supreme Court, also, there is no obligation on the part of the Magistrate to hear the accused person before passing any order on the said petition. Ld. Chief Judicial Magistrate also relies on another decision of Hon'ble Supreme Court in case of **Satishkumar Nyalchand Shah v. State of Gujarat and Others; 2020 (4) SCC 22** in this regard. No satisfactory ground is made out by the petitioner to interfere with the order of Ld. Chief Judicial Magistrate.

[8] Considering all these aspects, the Criminal Petition is rejected.

Interim Application(s), if any, shall also stand vacated.

JUDGE

