

21.08.2026
Sl. No.01.
D/L.
Mithun.
Ct.No.29.

CRR/1234/2026
XXX
Vs.
State of West Bengal & Anr.

Mr. Abhimanyu Banerjee,
Mr. Arghaya Chatterjee,
Mr. Arghya Mullick,
Mr. Abdul Nooman
...for the petitioner

Mr. Debasish Roy
Mr. Sabir Ahmed,
Mr. Dhiman Banerjee
...for opposite party no.2

Mr. Kallol Mondal, Ld.P.P.,
Mr. Pritam Roy,
Ms. Anamitra Banerjee,
Ms. Sagnika Banerjee
...for the State

In this application, the petitioner has assailed the order dated 16.02.2026 passed by learned Judicial Magistrate, 12th Court, Calcutta in connection with G.R. Case No. 985 of 2024.

By the impugned order, learned Court below has rejected the petitioner’s prayer for further investigation on the ground mentioned in the order.

Being aggrieved by the aforesaid order, learned Counsel for the petitioner submits that during investigation police has not collected the relevant CCTV Footage to unearth the truth. The Court below while passing the order was oblivious of the fact and law that the investigating Agency under the camouflage and pretention of purported investigation did nothing to unearth the

whole crime although the offence committed by the opposite party no.2/accused is very serious in nature. The Court below did not consider that opposite party no.2/accused being an officer posted at the Park Street Police Station has sufficient means to influence the free and fair investigation of the case. The investigation ought to have been done by any other agency or at least by police officer of any other police station in the interest of free and fair investigation. Only if further investigation is permitted and is assigned to an officer from another police station then the evidentiary substratum of the case would be properly revealed. Therefore, the order impugned is not sustainable in law and liable to be set aside.

Learned Counsel appearing on behalf of the State opposed such prayer contending that investigation has been sufficiently done in right direction. He further submits that Learned Counsel for the petitioner though prays for the CCTV Footage but since two years have already been passed, the footages have already been destroyed and, therefore, there is no possibility of getting any such footage as claimed by the petitioner. He further submits that the order impugned is a reasoned one and does not call for interference by this Court. He further submits that witness Ranabir Das has not been examined as he was an accused but he has been cited as a witness.

Learned Counsel on behalf of opposite party no.2 also opposed such prayer contending that the petitioner has preferred this application only to drag the proceeding. His sole intention is

to linger the suspension order passed against the accused/opposite party no.2. He further submits that the investigation clearly reveals that it has been done in a proper way and the order impugned also reflects that the Court below has taken care of all the facts and circumstances of the case and he has come to a definite conclusion that there is nothing further to investigate in the instant proceeding and, therefore, the instant application filed by the petitioner is liable to be rejected.

I have considered the submissions made on behalf of all the parties. On perusal of the order impugned, it appears that the Court below has specifically gone through the Case Diary and the Charge-sheet filed by the Investigating Agency and also examined the statement of witnesses which were recorded under Section 180 of the BNSS, 2023 including the statement of the victim. Furthermore, the charge-sheet reflects that the alleged eye witnesses who were present at the place of occurrence have also been examined and cited as prosecution witnesses and the foundation of the prosecution case is primarily based upon those witnesses who have already been examined. He specifically observed that the same set of witnesses, particularly, the victim and the alleged eye witnesses are not required to be examined any further as they would not yield any fruitful result as the identity and relevance of these witnesses would not alter merely by a change of investigating agency.

On perusal of the grounds mentioned in the instant Application it appears that primary ground for preferring further

investigation is that court below overlooked the fact that opposite party No.2/ accused is an officer who was posted at the same park Street Police Station has, sufficient means to influence the free and fair investigation of the case as well as he is also in a position to influence the witness of this Case creating impediments to unearth the whole truth in respect of the offence committed by the accused.

It is no doubt true that when defective investigation has brought to the notice of the court, it would ordinarily be desirable that police should inform the court and may seek formal permission to make further investigation when fresh facts come to light. Prosecution, informant or the accused cannot claim further investigation as a matter of right. In the present case investigation agency i.e. prosecution has opposed for further investigation. It is also not the case of prosecution that in the meantime any fresh fact comes to light.

The words “further evidence oral or documentary” as used in sub-section (8) of section 173 of Cr. P.C. has been used in generic sense of additional material into the crime regarding which charge sheet has already been filed in the Court. However, when no such additional material has been brought to the notice of the court and investigating agency/prosecution is opposing such prayer, even if it is allowed it would be futile exercise and no purpose would be served by ordering further investigation.

In such view of the matter, I find that the order impugned which is a reasoned one, does not call for any interference by this High Court.

In view of above, **CRR 1234 of 2026** stands **dismissed**.

Parties to act on a server copy of this order duly collected
from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)