

03.03.2021
Item no.10
Ct. No.42
CHC

**C.R.R. No.495 of 2021
(Via Video Conference)**

In Re: An application under Article 227 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973.

In the matter of:-

Biplab Kumar Chowdhury
.....petitioner

Mr. Bhaskar Prosad Banerjee,
Mr. Krishnendu Bhattacharya,
Mr. Aniket Mitra,
Mr. Parashar Baidya
.....for the petitioner

Mr. Swapan Banerjee,
Mrs. Purnima Ghosh
...for the State

Liberty is given to correct the cause-title of the case.

Affidavit-of-service furnishes by the petitioner be kept on record.

Learned advocate representing the petitioner expresses is grievances for non inclusion of some penal sections by the investigating agency, while registering a case in the concerned police station.

Admittedly, the prayer for investigation was allowed under Section 156(3) Cr.P.C. Following receipt of direction from the court under Section 156(3) Cr.P.C. the instant case came to be

registered under Sections 341/342/323/506/500/34 of the Indian Penal Code in connection with G.R. Case No.7359 of 2020, now pending before the learned Additional Chief Judicial Magistrate, Barrackpore.

The specific contention raised by the petitioner is that there are sufficient materials justifying infractions of the provisions of the law contained in Sections 362/363/364A/383/386 of the Indian Penal Code, which remained omitted, while registering the instant case. The attention of the Court is drawn to Section 156(3) Cr.P.C. petition, which was allowed by the order of the learned A.C.J.M., Barrackpore under Section 156(3) Cr.P.C.

Mrs. Purnima Ghosh, learned advocate representing the State submits that the case is at the investigation stage, and the Investigating Officer is under obligation to conduct investigation in a proper manner with respect to the grievance raised in the 156(3) Cr.P.C..

Having considered the rival submission of both the parties and bearing in mind the case being at investigation stage, the instant revisional application may be disposed of, so as to subserve the purpose of justice, as proposed to be obtained, giving direction mentioned as hereinbelow.

The I.O. of this case is directed to take up vigorous and extensive investigation with respect to the averments contained in 156(3) Cr.P.C. petition examining witnesses necessary for unfolding the version of the prosecution case, and if necessary, by

getting in touch with de facto complainant of this case, to ensure effective investigation in all its fairness.

The petitioner/de facto complainant is also directed to cooperate with the Investigating Officer furnishing the names of the witnesses, and the documents supportive of the prosecution case, so that effective and fruitful investigation in terms of the grievance raised in the 156(3) Cr.P.C. petition may be conducted.

With this direction/observation, the instant revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)