

02.08.2021

Sl.No. 41

Ct.No. 34

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRR No. 1128 of 2018

In re: Dinesh Poddar

..... Petitioner

Re: An application under Section 401 read with Section 482
of the Code of Criminal Procedure, 1973.

Mr. Debashis Roy
Mr. Sourav Chatterjee
Md. Afzal Ansari
Mr. Avik Ghatak

...for the petitioner

Mr. Ranabir Roy Choudhury
Mr. Imran Ali
Mr. Mirza Firoj Ahmed Begg
Mr. Mainak Gupta

...for the State

The affidavit of service filed in court is kept with the
record.

The present revisional application is in respect of the
order dated 22.08.2017 passed by the learned Judicial
Magistrate, 7th Court, Asansol, Burdwan in connection with
G.R. Case No. 359 of 2015 corresponding to Asansol (South)
Police Station Case No. 58 of 2015 dated 15.02.2015.

The grievance of the petitioner is as reflected in the
revisional application relates to the rejection of the

petitioner's prayer for further investigation being refused by the learned Magistrate.

It has been submitted by the learned advocate for the petitioner that supplementary chargesheet has already been filed and the same is still pending for consideration of charge.

Having regard to the fact that the case was registered in the year 2015 and even after six years the same is still pending for consideration of charge, I am of the view, at this stage direction for investigation will not suffice the ends of justice. However, the complainant should also not be without any remedy, in case the evidence is not collected or the accused who was supposed to be implicated in the chargesheet has not been so implicated by the investigating agency.

In case, after consideration of charge the learned Magistrate during the progress of the trial finds that materials have surfaced which would require invoking the provisions of Section 319 of the Criminal Procedure Code or Section 311 of the Criminal Procedure Code, the learned Magistrate would appreciate the same in its true perspective and apply the same at the appropriate stage of the case.

The revisional application being CRR 1128 of 2018 is disposed of.

The pending applications, if any, are consequently disposed of.

All parties are to act on the server copy of this order
duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)