

**C.R.R. 1668 of 2020
(Through Video Conference)**

In the matter of: Shouvik Basu

....petitioner.

Mr. Sankar Banerjee

...for the petitioner.

Mr. Madhu Sudan Sur,
Mr. M. Mahata

...for the State.

This is an application under Section 482 seeking a direction upon I.O., holding re-investigation to expedite the investigation in connection with a case, which originated in 2014 vide G.R. Case No.4494 of 2014.

Mr. Banerjee, learned advocate representing the petitioner/defacto complainant submits that investigating agency is reluctant in conducting the re-investigation in terms of the direction, passed by the learned Magistrate allowing re-investigation to be held, by order dated 3rd March, 2016. The principal grievance thus expressed by the learned advocate is against the investigating officer, who is alleged to have conducted the investigation exercising his whims, but not in terms of the direction contained in the order dated 3rd March, 2016 allowing re-investigation.

A report was called for previously by order dated 7th December, 2020 directing the learned advocate for the petitioner to mention the progress of re-investigation. The report of the investigating officer is produced by Mr. Sur representing the State. The same be kept on record.

It appears from the report that the investigating officer is about to file final report shortly, the date of which goes unmentioned.

Admittedly, there was a previous investigation undertaken by investigating officer, which ended in F.R.I., and being dissatisfied with the manner of conducting the re-investigation by the investigating agency, this revisional application has been filed by the defacto complainant. Learned court below expressed its dissatisfaction while allowing re-investigation that without any justifiable reasons the documents disclosed in the complaint could not be collected and the witnesses, supportive of the complainant went unexamined. Accordingly, a direction for re-investigation was recorded by the learned court below.

The investigating officer while conducting the re-investigation is supposed to obey the directions confining to the direction mentioned there so as to address the grievance expressed, by the petitioner/victim. When the final report is reported to be submitted shortly, without mentioning any date, the revisional application may be disposed of so as to subserve the purpose of justice, as proposed to be obtained from this Court, by passing the following directions.

The investigating officer conducting the re-investigation is directed to furnish the outcome of re-investigation within a month re-appreciating the directions of the learned Magistrate allowing re-investigation, contained in the order dated 3rd March, 2016 to filing the outcome of investigation before the

learned Magistrate.

With the aforesaid observation the revisional application is disposed of.

Petitioner is directed to make communication of this order to the investigating officer immediately so that the investigating officer is provided with a scope to take in view once again regarding the direction of the learned court below while ordering re-investigation.

Mr. Sur representing the State is also directed to make communication of the order of this Court forthwith to the I.O. conducting the investigation.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Subhasis Dasgupta, J.)