

22.03.2022

Item No.1
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 378 of 2020
with
CRAN 1 of 2020 (Old No. CRAN 1248 of 2020)**

**Saptarshi Mondal & Ors.
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure filed for quashing of the proceedings being G.R. No. 347/2019 arising out of Bhadreswar Police Station Case No. 91/2019 dated 01.04.2019 under Sections 498A/406 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Chandernagar, Hoogly.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha ... For the Petitioners.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Arindam Sen,
Mr. Saurav Basu ... For the Opposite Party No.2.

Mr. S. G. Mukherjee, learned Public Prosecutor representing the State has submitted a report of Inspector-in-Charge, Sonarpur Police Station dated 22.03.2022 along with seizure list and other enclosures. Let the said report be kept on record.

The seizure list reflects that 53 items have been seized in course of further investigation in connection with Sonarpur Police Station Case No. 251/2019 dated 01.04.2019 under Sections 498A/406/34 of the Indian Penal Code. It would be pertinent to state here that the Investigating Officer of the case advanced a prayer before the jurisdictional Magistrate

for further investigation, but the learned Magistrate evaded while passing the order.

Be that as it may, the settled position of law is that an investigating officer while conducting further investigation is not required to seek permission from the jurisdictional court, but is only supposed to inform the court that further investigation is being carried out. Accordingly, the seizure list or other acts pursuant to the order dated 18.02.2022 be considered as part and parcel of Sonarpur Police Station Case No. 251/2019 dated 01.04.2019. The Investigating Officer would continue with the investigation.

Further, all statements, documents and materials which were collected in connection with Bhadreswar Police Station Case No. 91/2019 dated 01.04.2019 under Sections 498A/406 of the Indian Penal Code be transmitted to the Investigating Officer of Sonarpur Police Station Case No. 251/2019 dated 01.04.2019. Accordingly, the nomenclature relating to Bhadreswar Police Station Case No. 91/2019 dated 01.04.2019 is hereby quashed.

The Investigating Officer of the present case would continue with the investigation and submit his further report under Section 173 of the Code of Criminal Procedure after arriving at his opinion in due course of time.

Pursuant to the order dated 18.02.2022, the Investigating Officer is present in Court. His further appearance is dispensed with.

With the aforesaid observations, the revisional application being CRR 378 of 2020 is partly allowed.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)