

17-06-2022
Subha
Item no.26
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 864 of 2021

In the matter of : **Sri Swapan Kumar Bhattacharya**petitioner.

In Re : An application under Section 482 of the Code of Criminal Procedure.

Mr. Mit Guha Roy
.....for the petitioner.

Mr. Anghsuman Chakraborty
Mr. S. S. Saha
....for the O. P. No.2.

Mr. Rudradipta Nandy
Mr. Sandip Chakraborty
.....for the State.

The subject matter of the revisional application related to the prayer which was advanced before the learned Magistrate for having knowledge regarding the progress of the investigation.

It has been submitted that subsequently chargesheet has been submitted in connection with Behala P. S. Case No. 297 dated 06.10.2020 under Sections 420/406/465/48/471/120B of the Indian Penal Code.

Learned advocate for the petitioner submits that pursuant to the chargesheet being submitted, being aggrieved an application under Section 173 of the Code of Criminal Procedure was preferred before the learned Magistrate for further investigation as the de facto

complainant felt that necessary seizures were not effected. Learned Magistrate accordingly directed for further investigation of the case.

The petitioner presently submits before this court that in the fitness of circumstances, Anti-Cheating Section of Detective Department, Lal Bazar should be entrusted with the investigation of the case.

As the further investigation is carried on at the instance of the Officer-in-Charge, Behala P. S., I am not inclined to accede to such prayer at this stage. Learned Magistrate would call for a report regarding the further progress of the investigation and scrutinize regarding the factual progress of the same and thereafter decide as to whether the same police officer would continue with the investigation of the case or investigation should be entrusted to a specialized Investigating Agency as prayed for by the petitioner. Such report from the Officer-in-Charge, Behala Police Station may be called for within a period of 45 days from the date of the communication of this order and the learned Magistrate within a period of fortnight thereof would decide on the issue.

With the aforesaid observations, the revisional application being CRR 864 of 2021 is disposed of.

Report submitted by the learned advocate for the State be kept with the record.

Pursuant to the service effected, Mr. Chakraborty, learned advocate appears on behalf of the private opposite party.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]