

In the matter of:- Tata Steel Ltd..

...petitioner

Mr. Sandipan Ganguly,
Mr. Dipanjan Dutt,
Mr. Jaydeb Ghorai,
Mr. Diptesh Ghorai,

...for the petitioner.

Petitioner is aggrieved by an order dated March 30, 2010, passed by learned Chief Judicial Magistrate, Calcutta in G.R. Case No. 2222 of 2006 arising out of Shakespeare Sarini Police Station Case No 316 dated October 12, 2006, whereby the learned Magistrate has rejected his petition for reinvestigation of the case by another investigating officer.

The petitioner filed an application under Section 156(3) of the Code of Criminal Procedure, 1973, before the learned Chief Judicial Magistrate, Calcutta, following which an FIR was registered against the opposite party no. 2 under Sections 387/506 of the Indian Penal Code, 1860.

Upon conclusion of the investigation, the police filed a final report and closed the case as a mistake of fact.

The petitioner approached the learned Magistrate with a prayer for investigation of the case afresh by any officer other than the previous investigating officer.

Learned Magistrate by the order impugned rejected the petition and accepted the final report observing as follows:

“ None was arrested in this case. Final report submitted and the case declared as M.F.

Today is fixed for hearing of naraji petition.

C.D. was called for and produced. Heard Ld. Advocate on behalf of the D/Complt. Heard Ld. A.P.P.

In this case F.R.T. has been submitted and being agreed to the effect D/Complt. Prays for further investigation. I find that the case. Investigation is closed as a Mistake fact u/s 387/506 I.P.C. The accused person attempted to commit extortion in

respect of Rs. 50,00,000/- by putting over telephone fear of death to the Tata Steel.

So on considering the entries of the C.D. and materials I find no irregularities in the investigation.

So the final report on the mistake of fact is accepted.”

Mr. Sandipan Ganguly, learned senior advocate appearing for the petitioner submits that the learned Magistrate was not justified in rejecting the petition for further investigation without passing a reasoned order.

By relying upon a judgment reported at (1985) 2 SCC 537 (Bhagwant Singh Vs Commissioner of Police) Mr. Ganguly suggests that when a learned Magistrate is faced with a report of a police officer on completion of investigation under Section 173 of the Code of Criminal procedure, 1973, he has three options: i) he can accept the report, ii) he can reject the report or iii) he can order a further investigation. When the Magistrate opts for one out of the three available options, he must furnish a reason for the same.

It is further argued by Mr. Ganguly that every order, be it judicial or administrative, must contain reasons to enable the superior Court or the higher authority to appreciate the justification and legality of such order. He has referred to the following judgments to buttress his argument:

- I) (2021) 4 SCC 516 (*Union Public Service Commission v. Bibhu Prasad Sarangi*)
- II) (2018) 8 SCC 443 (*Central Board of Trustees v. Indore Composite Private Limited*)
- III) (1995) 6 SCC 194 (*Rupan Deol Bajaj (Mrs) v. Kanwar Pal Singh Gill*)

There cannot be any quarrel with the legal proposition as submitted by Mr. Ganguly. Therefore, it may not be necessary to discuss the said judgments as relied upon by Mr. Ganguly separately.

It is necessary to quote the petition filed before the learned

Magistrate in extenso:

“1. That your petition begs to challenge the final report dated 29th November, 2007 and he most respectfully submits that the I.O. of this case without making proper investigate and without visiting the P.O. , submitted the final report upon his sweet will.
2. It is therefore further submitted that for the interest of justice, a direction may kindly be given upon the O.C. concerned P.S. for investigating the matter afresh by any other officer other than the previous I.O. for the interest of justice.

It is therefore prayed that a direction may kindly be given upon the concerned P.S. for investigating the matter afresh by any other officer other than the previous I.O.”

A plain reading of the said petition makes it absolutely clear that practically nothing has been stated in the said petition to justify further investigation of the case by another investigating officer.

Only a one-line allegation has been made that the investigating officer has filed the final report “without making proper investigation and without visiting the place of occurrence and submitted the final report upon his sweet will”.

Needless to mention that such a vague and omnibus allegation in any event cannot justify reinvestigation of the case by another investigating officer.

The order of the learned Magistrate in accepting the final report of the investigating agency cannot be said to be a non-speaking order. It is apparent from the order itself that the learned Magistrate considered the nature of the allegation leveled against opposite party no.2 and upon consideration of the case diary found that there had been no irregularities in the investigation.

I am of the opinion that no further elaborate reasoning was required to reject the petitioner’s vague application.

Accordingly, CRR 1429 of 2010 is dismissed.

Let urgent certified copies of this order, if applied for, be given to the

parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)