

16-02-2022
Subha
Item-30
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

(Via video-conference)

C.R.R 2002 of 2018

In Re: An application under Section 397/401 read with S.482 of the Code of Criminal Procedure.

In the matter of : ***Shri Basudeb Mukherjee.*** ...Petitioner.

Mr. Soumya Nag
.....for the petitioner.

Mr. Imran Ali,
Mrs. Debjani Sahu
.....for the STate.

The present revisional application was preferred challenging the order dated 18.04.2018 passed by the learned Chief Judicial Magistrate, Hooghly in connection with Mogra P. S. Case No. 411(12) of 2016 dated 28.12.2016.

The present petitioner was aggrieved by the outcome of the investigation and as such, filed an application for investigation to be conducted afresh.

I have considered the application preferred by the informant/complainant/present petitioner before the learned Chief Judicial Magistrate, Hooghly.

The main grievance of the petitioner is that although the case was initiated under Sections 448/427/379 of the Indian Penal

Code, but in the chargesheet the Investigating Officer did not incorporate Section 379 of the Indian Penal Code.

Having regard to the nature of the contention advanced in the application before the learned Chief Judicial Magistrate, Hooghly, I am of the opinion that as the case was initiated in the year 2016, it would be practically impossible to accede to such prayer after six years.

However, in course of trial if materials surfaced, the learned Magistrate would be at liberty to frame charges under fresh sections/amended sections and accordingly proceed with the case.

With the aforesaid observations, the revisional application being CRR 2002 of 2018 is disposed of.

Interim order, if any, is hereby vacated.

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 website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

With the aforesaid observations, the revisional application being CRR 1830 of 2020 is allowed.

Let the report submitted by the Inspector-in-Charge, Raghunathganj P.S, Jangipur P.D through the learned advocate for the State be kept with the record.

Interim order, passed herein, is made absolute.

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 website copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

