

23-03-2022
Subha
Item-09
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 2072 of 2018

In Re: An application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973.

In the matter of : ***Shri Ghanashyam Pramanik***
...Petitioner.

Mr. Ayan Basu
Mr. Sourav Bera
Mr. Sumit Routh
.....for the Petitioner.

Mr. Madhusudan Sur
Mr. Dipankar Pramanick
.....for the State.

Mr. Ayan Basu, learned advocate appearing on behalf of the petitioner submits that without any effective investigation, the Investigating Officer submitted his report under Section 173 of the Code of Criminal Procedure and the learned court accepted the same and rejected the naraji petition which was filed on 27.06.2018.

Mr. Madhusudan Sur, learned advocate appearing on behalf of the State has produced the case diary.

I have perused the opinion of the Investigating Officer as well as the manner in which he has conducted the investigation, which do not portray a happy picture. There may be cases where for want of evidence, the police authorities are inclined to close a case but at the same time, the case diary must reflect efforts taken

by the Investigating Officer for collection of evidence.

The grievance of the complainant is somewhat justified that although he named certain persons, the same were not inquired into.

I find from the order dated 16.07.2018, the learned Magistrate without assigning any reason, accepted the report of the Investigating Officer and refused the prayer of the de facto complainant for further investigation.

In view of the order dated 16.07.2018 being a non-speaking order, I set aside the said order and direct the learned Magistrate to freshly consider the application under Section 173(8) of the Code of Criminal Procedure filed at the instance of the petitioner and the de facto complainant.

With the aforesaid observations, the revisional application being CRR 2072 of 2018 is allowed.

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

Interim order, if any, is hereby vacated.

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.)

.