

D/L25
31.10.2022
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C.R.R.2645 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Md. Rejaul Haque
Versus
State of West Bengal and another

Mr. Bibhasaditya Chakraborty.
...for the petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.
...for the State.

Mr. Bibhasaditya Chakraborty, learned advocate,
appears for the petitioner.

The subject matter of the revisional application relates to the grievance of the petitioner in respect of the prayer for transfer of investigation to the CID being refused by the learned CJM, Malda in connection with G.R. No.1566 of 2021.

The petitioner is aggrieved by the manner in which the investigation is under progress.

I have assessed the issues which relate to the dissatisfaction of the petitioner regarding the manner in which the investigation is being conducted by the English Bazar Police Station.

I have heard Mr. Swapan Banerjee, learned advocate appearing for the State.

Having regard to the dictum of the Hon'ble Supreme Court in **Sakiri Vasu Vs. State of Uttar Pradesh and others**

reported in **(2008) 2 SCC 409: (2008) 1 SCC (Cri) 440: 2007 SCC OnLine SC 1488**, I direct that the petitioner would be at liberty to take out an application regarding the issues relating to non-performance of the Investigating Agency. Learned Magistrate is directed to abide by the directions of the Hon'ble Supreme Court in the aforesaid judgment. Needless to state that the learned CJM, Malda is entitled to call for a report regarding the manner in which the investigation is progressing and, if required, would monitor the investigation to his satisfaction.

Let such application be filed at the instance of the present petitioner before the learned CJM, Malda by 15th November, 2022. Learned CJM, Malda would take into account the aforesaid directions and accordingly pass necessary orders in the proposed application to be filed before him.

With the aforesaid directions, CRR 2645 of 2021 is disposed of.

Pending 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 copies of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

