

July 13, 2023
AD – 16
Ct. 34
SG

CRR 2247 of 2023

Debi Prosad Ghosh
-versus-
The State of West Bengal

Md. Ashraf Ali
... for the petitioner.

Mr. S.G. Mukherjee, Id. PP
Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan
... for the State.

Petitioner is aggrieved by the fact that the investigating officer is not recording the statements of the relevant witnesses as also not progressing with the case and in spite of anticipatory bail being rejected, he is not taking steps for arresting the accused.

So far as the issue relating to the arrest of the accused is concerned, discretion of the investigating officer is to be exercised.

So far as the grievance of the documents and the witnesses are not being considered by the investigating officer while carrying out the investigation, I find a genuine grievance and anxiety which requires interference.

Accordingly, the petitioner will give a list of witnesses who may be relevant for the purposes of the case by a covering letter as also the issues for which he is under the impression that the investigation is not progressing. The

same would be received by the Inspector-in-Charge of Kotwali Police Station, Paschim Medinipur. The same would be forwarded to the investigating officer of Kotwali Police Station Case No.867 of 2022 dated 29.11.2022.

A report has been submitted by learned advocate for the State which reflects that the investigation is still in progress and 12 witnesses have been examined.

The investigating officer would consider the contents of the grievance of the de facto complainant particularly with regard to collection of appropriate documents and recording of statements of witnesses concerned. The investigating officer will also assign reasons in case he refuses to accept any document or rely upon any witness of whom the investigating officer is of the opinion would be of no assistance in prosecuting the accused persons. The same may be expressed in the report under Section 173 of Cr.P.C. as and when the same is filed before the jurisdictional judicial magistrate.

Needless to state that the investigation commenced on November, 2022, the investigating officer would take efforts so that the investigation is completed and concluded within a reasonable period of time.

With the aforesaid observations, CRR 2247 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)