

CRR 2178 of 2010
CRAN 2 of 2011

In the matter of : Santosh Kumar Gupta & Ors.

Mr. Sourav Chatterjee
... for the petitioners

This revisional application challenges the order dated 30.4.2010 passed by the learned Additional Chief Judicial Magistrate, Serampore, Hooghly in G.R. Case No. 65 of 2010 corresponding to Serampore P.S. Case No. 22 of 2010 dated 18.1.2010.

Heard Mr. Chatterjee, learned counsel representing the petitioners.

According to Mr. Chatterjee, learned Additional Chief Judicial Magistrate exceeded her jurisdiction while passing the order impugned.

Upon perusal of the record, I find that learned Judicial Magistrate was not happy with the charge sheet submitted by the Investigating Officer. The Investigating Officer was summoned to appear before the learned Court within five minutes and soon after his appearance direction was given to the Investigating Officer to file the charge-sheet under Section 307 of the Indian Penal Code as well. There is hardly any room to disagree with Mr. Chatterjee that the learned Judicial Magistrate did not have the jurisdiction to direct the Investigating Officer to hold investigation or to submit

charge sheet in a particular manner. She could have directed further investigation instead.

Accordingly, the order impugned stands quashed.

With this observation, the revisional application, is disposed of along with application if any.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)