

28.08.2023

Item No.8
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 3127 of 2023

In the matter of : **Bishor Mahata**

... Petitioner.

Mr. Soumik Ganguli,

Mr. Sourat Nandy ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,

Md. Anwar Hossain,

Ms. Ratna Ghosh ... For the State.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon Ms. Ratna Ghosh, learned advocate, who ordinarily appears for the State. Her appointment may be regularised by the concerned authorities.

The grievance of the petitioner is that Bankura Police Station Case No. 90 of 2019 was initiated on 24.04.2019 under Sections 302/34 of the Indian Penal Code. Initially a report under Section 173 of the Code of Criminal Procedure was furnished before the jurisdictional court. Thereafter a prayer was advanced for further investigation and accordingly an order relating to further investigation was passed by the concerned court. However, the grievance of the present petitioner is that till date, the report in respect of the investigating agency under Section 173 of the Code of Criminal Procedure pursuant to the direction for further investigation has not yet been submitted before the jurisdictional court.

Having considered the contentions so advanced, I am of the opinion that since this is a case under Sections 302/34 of

the Indian Penal Code, the learned Magistrate would call for a report from the investigating officer of the case and the investigating officer would furnish the steps taken and the reasons for such delay being committed in furnishing the subsequent report under Section 173 of the Code of Criminal Procedure.

The petitioner is granted liberty to draw the attention of the learned Chief Judicial Magistrate, Bankura within a week from date.

The learned Magistrate would thereafter call for a report from the Inspector-in-Charge as well as the Investigating Officer of the case within a fortnight from the said date which would explain either the outcome or regarding the delay or the purpose for which the final report under Section 173 of the Code of Criminal Procedure is delayed.

With the aforesaid observations, the revisional application being CRR 3127 of 2023 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)