

13-10-2023
Subha
Item no. 52
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 4729 of 2022

Vinod Kumar Paswan
-versus-
The State of West Bengal & Anr.

Mr. Amitava Karmakar
Mr. Arup Kumar Bhowmick
Mr. Md. Sontu Mia
.....for the petitioner.

Mr. Rudradipta Nandy, Id. APP
Mrs. Sonali Das
...for the State

Learned advocate for the petitioner prays leave to amend the cause title. The leave as sought for is granted.

Report submitted by Mr. Nandy, learned Additional Public Prosecutor, High Court, Calcutta which has been prepared by the Superintendent of Police, Malda be kept with the record.

The contents of the report are not encouraging and records the attitude of the Police Administration both in respect of investigation and the manner of progress or interest expressed by the Investigating Agency and the part of the Police Administration System for speedy disposal of the cases.

The Superintendent of Police is assigned the job to administer both regarding the investigation of cases, which have been registered and also in respect of law and order situation of the

District concerned.

Mr. Nandy, learned Additional Public Prosecutor, High Court, Calcutta appearing for the State informs that the Superintendent of Police, Malda is a direct Indian Police Service Officer. The report so prepared by the Superintendent of Police, Malda reflects unwanted leniency to the GRO of the court. I find that unnecessarily three years have been wasted for the act of the GRO for not placing the chargesheet after completion of investigation before the learned Chief Judicial Magistrate, Malda.

The subject matter of the case relates to a tender, construction and bills. Without entering into the merits of the case, I am of the view that a prima facie reflection is there which speaks reason for delayed placement of the chargesheet before the learned Chief Judicial Magistrate, Malda. Henceforth, the Director General of Police would instruct all the Superintendent of Police of West Bengal that the Investigating Officer of the case would ensure that the chargesheet is placed before the leaned jurisdictional court and should not be just handed over to the GRO.

As computers are presumably available in the Office of the Superintendent of Police, an update regarding the filing of the chargesheets and the order of taking cognizance of the learned Magistrate must be regularly maintained at the Office of the Superintendent of Police/Commissioner of Police. No further delinquency on the part of any Police Officer henceforth will be accepted by this court.

As a matter of last chance, no comments or steps are being

taken either with the Investigating Officer/GRO or the concerned Sub-Inspector of Police. Immediate circulation of this order be made to all the Superintendent of Police and Commissioner of Police and it is reiterated that the concerned Offices will diligently maintain the updates regarding the submission of chargesheet before the jurisdictional court.

So far as the material of the present case is concerned, only the FIR and chargesheet have been enclosed, but none of the documents under Section 207 of the Code of Criminal Procedure has been enclosed along with the present revisional application.

Accordingly, petitioner is granted liberty to approach the jurisdictional court under Section 239 of the Code of Criminal Procedure at the time of consideration of charges. The learned Magistrate would consider the same in accordance with law without being influenced by any observations made by this court while disposing of this revisional application.

With the aforesaid observations, the present revisional application being CRR 4729 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

