

03-04-2024
Subha
Item no. 13
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 137 of 2024

Sanjiv Kumar Dabriwal
-versus-
The State of West Bengal & Anr

Mr. Bratin Kumar Dey
Mr. P. Chattopdhyay
....for the petitioner.

Mr. Debasish Roy, ld PP
Mr. Arijit Ganguly
Mrs. Subhasree Patel
....for the State.

Mr. Anindya Sunder Chatterjee
Mr. Goutam Dinda
...for the KMC.

Report submitted by the Officer-in-Charge, Haridevpur PS
through the learned advocate for the State be kept with the record.

Learned advocate for the petitioner has challenged the
registration of the FIR under the relevant sections of law and
submitted that the act itself provides that cognizance should be
taken on the complaint being filed by an officer of the Fisheries
Department who should not be below the rank of District Fisheries
Officer or an officer not below the rank of a sub-inspector.

The stage of cognizance would come after a complaint or a
chargesheet is filed when the investigation is completed. Learned
advocate also draws the attention of the court to the list of
documents which was sent on 21st December, 2023 and
acknowledged by the concerned police station in response to a
notice under Section 41A CrPC.

Learned advocate has drawn the attention that although the documents were received but it has been stated by the officer concerned that Section 41A CrPC notice has not been complied with. The physical appearance in this case may not be required regularly and if further documents are required for assessment, the Investigating Officer would issue notice to the present petitioner for clarifying regarding the genuinity of the allegations which are being investigated.

Learned advocate has also drawn the attention to some enclosures which includes certain representations and documents which at this stage this court is of the opinion are not required to be assessed for the purpose that the investigation of the case is under progress.

Having regard to the stage at which the petitioner approached this court and the fact that the investigation of the case is still under progress, I am of the view that the investigation of the case be taken to its logical conclusion. The Investigating Officer would assess regarding materials placed by the present petitioner prior to his submitting the complaint or report under Section 173 of the Code of Criminal Procedure.

So far as the sections are concerned, it would be at the discretion of the Investigation Officer to assess regarding the applicability of the sections after the materials are collected in course of the investigation.

With the aforesaid observations, the present revisional application being CRR 137 of 2024 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]