

04 10.04.2024
NB Ct. 14

WPA 14399 of 2023

Jiten Biswas
Vs.
Union of India & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das.
...for the petitioner.

Mr. Amal Kumar Sen Id. AGP,
Mr. Lal Mohan Basu.
...for the State.

Mr. Dhiraj Kumar Trivedi,
Ms. Priti Jain.
...for the respondent nos.1&2.

Report filed on behalf of the State citing reasons as to why certain persons were shown as suspects in the FRT filed in respect of Madhyamgram Police Station Case No.134 dated 09.03.2018, as filed in Court, is taken on record.

Heard the learned counsels for the parties and perused the report.

The petitioner is a son of the victim. Although, the victim was murdered by use of firearms, yet successive Investigating Officers filed final reports. The case was thereafter handed over to the CID. Incidentally, there was a direction passed by this Court to conclude the investigation within two months. The Investigating Agency accordingly, submitted a report seeking discharge of the two FIR named accused and kept the option of further investigation open.

It is submitted on behalf of the parties that the final report has been accepted.

Therefore, there is hardly any scope for reviving the investigation or, for that the matter, directing further investigation unless this Court intervenes or the final report is challenged by way of a protest petition. From the report submitted on behalf of the State, it appears that they do have certain clues to act upon in solving the case.

The role of the de facto complainant is only to set the criminal law in motion. Therefore, it will not be prejudicial to the de facto complainant if further investigation is done and the truth is unearthed.

Therefore, without engaging into any other or further exercise that may occasion delay, on the basis of the reports filed on behalf of the State and upon perusal of the case diary on the earlier occasion, this Court is of the view that further investigation should be conducted in this case.

Accordingly, the final report and the order accepting such final report are set aside.

The CID is directed to conduct further investigation into the case.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

Parties shall act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Jay Sengupta, J.)