

IN THE HIGH COURT AT CALCUTTA

Criminal Revisional Jurisdiction

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 4283 of 2022

Arup Kumar Das

Vs

The State of West Bengal & Ors.

For the Petitioner : Mr. Sabyasachi Mukherjee,
Mr. Mukesh Khanna,
Mr. Poulam Dey,
Mr. Mrinmoy Nandy,
Ms. Ankita Nandi.

For the State : Mr. Arijit Ganguly,
Mr. Koushik Kundu.

Hearing concluded on : 06.11.2024

Judgment on : 08.11.2024

Shampa Dutt (Paul), J.:

1. The present revisional application has been preferred by the petitioner praying for setting aside the order dated 29.07.2022 by rejecting the prayer of re-investigation/further investigation dated 18.05.2022 as well as by converting the case from Section 156(3) of the Code of Criminal Procedure to Section 200 of the Code of Criminal Procedure after taking cognizance vide order dated 29.07.2022 arising out of Rabindra Sarobar P.S. Case No. 201 of 2021 dated 08.12.2021, pending before the learned Chief Judicial Magistrate, Alipore, South 24 Parganas.
2. Learned counsel for the State has placed the case diary.
3. The investigation in the present case was initiated under Sections 341/504/506/120B of the Indian Penal Code. The Investigating Officer on completion of investigation submitted a final report (FRT) against the accused persons stating that the case may be declared as non-cognizable offence and, as such, accused persons were not charged under the Sections as mentioned in the FIR.
4. By the order under revision dated 29.07.2022 the learned Magistrate on extensive discussion and relying upon certain judgments held as follows :-

“.....Hence in view of the above discussion and being pioneered by the observations of the Hon’ble Supreme Court and the Hon’ble High Court, I am inclined to take cognizance under Section 190(1)(b) of the Cr.P.C. on the basis of the police report and issue process being not bound in any manner by the conclusion arrived at by the I.O. in his report.

Hence cognizance is taken for committing offences punishable U/s. 341/504/506 of the Indian Penal Code.

*Issue summons upon the accused persons named in
Column No. 12 of the Final Report of the I.O.
To 13/11/2022 for S/R and appearance.....”*

5. It appears from the records that the learned Magistrate has converted the case into a complaint case and the matter is pending adjudication.
6. Considering the nature of offences alleged and the materials on record and the materials collected by the Investigating Officer, this Court finds that the investigation in the case was conducted in a fair manner and there is no necessity to direct either further investigation or re-investigation and if allowed will be an abuse of the process of law.
7. Thus, considering the materials on record, this Court is not inclined to interfere with the said order under revision, as the same is in accordance with law.
8. **The present criminal revision being CRR 4283 of 2022 is thus dismissed.**
9. Pending applications stand disposed of.
10. Interim order, if any, stands vacated.
11. Copy of this judgment be sent to the learned Trial Court for necessary compliance.
12. Urgent Photostat certified copy of this judgment, if applied for, be supplied to the parties expeditiously after due compliance.

(Shampa Dutt (Paul), J.)