

2
13.02.2024
ssi
Ct 14

**RVW 279 of 2023
CAN 1 of 2023
CAN 2 of 2023
in
WPA 21883 of 2023**

The Superintendent of Police, Purba Medinipur
-vs-
The State of West Bengal & ors.

Mr. Amitesh Banerjee, Ld. Sr. St. Counsel
Ms. Ipsita Banerjee
Mr. Tarak Karan
....for the State Review Applicant
Mr. Ashok Kumar Chakraborty
Mr. Arun Kumar Mohanty
Mr. Tirtha Pati Acharya
...for the Union of India
Mr. Rajdeep Mazumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
....for the respondent/petitioner

This is an application for review and/or modification of the judgment and order dated 08.09.2023 passed by this Court in WPA 21883 of 2023.

Report filed on behalf of the State through the Superintendent of Police, Purba Medinipur is taken on record.

Learned senior counsel appearing on behalf of the Superintendent of Police submits as follows. The investigation of the case is substantially complete. The police are ready to file a charge sheet against the 16 accused immediately upon receiving chemical investigation report from the CFSL. In compliance with the order passed by this Court, the Superintendent of Police himself has done all the

investigation and the investigation is at a mature stage. However, for taking the other and further steps in connection with the same, the Superintendent of Police has to travel all the way from the seat of his office from where he has to take care of the entire district. Once he submits the charge sheet, he would also be responsible for attending the Court on the subsequent dates of hearing. In the circumstances, it is prayed that after the investigation is complete, the ministerial job of submitting the charge sheet and doing the needful thereafter may be directed to be done by some other officer of the rank of Deputy Superintendent of Police.

Learned senior counsel representing the Union of India submits that since the State was a party here, the Superintendent of Police ought not to have filed an application for review. If at all aggrieved, the State would have come up with such an application.

Learned counsel appearing on behalf of the petitioner opposes the application and submits as follows. A charge sheet could have been filed by now keeping the issue of collection and submission of the chemical report for a supplementary charge sheet to take care. Simply because the Superintendent of Police has to travel all the way from his office, the final order passed by this Court need not be reviewed.

Order 47 Rule 1 of the CPC provides for any person considering himself aggrieved with a decree or an order to

apply for review. It appears that the Superintendent of Police was directed to conduct the investigation “for the present”. One of the grounds for review is “for any other sufficient reason”.

Therefore, I do not find any impediment in entertaining the application for review.

In view of the above and considering the grounds taken up by the applicant, I review and modify the order dated 08.09.2023 to the following extent. Till collection of the chemical report, the Superintendent of Police, Purba Medinipur shall continue to be the Investigator of the case. After collection of the report, the Superintendent of Police shall hand over the investigation to an Officer of the rank of Deputy Superintendent of Police to be engaged by him for such purpose who would file the charge sheet and take any other or further steps in this regard.

With these observations, the review application is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)