

CRR No.3124 of 2024

In the matter of : Kishore Brata Ghosh .. petitioner.

Mr. Aniket Mitra
Mr. Sayan Dutta ...for the petitioner.
Mr. Mainak Gupta ...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner has assailed the order dated 16th May, 2024 passed by the learned Chief Metropolitan Magistrate, Calcutta, presently redesignated as learned Chief Judicial Magistrate, Calcutta in GR 176 of 2020 turning down the prayer of the petitioner for further investigation of the case solely on the ground that no Narazi application was filed by the petitioner before the Court.

It appears that on submission of FRT, the petitioner filed a Narazi application seeking further investigation of the case. The application was allowed by the learned Magistrate vide order dated 15th March, 2021 and further investigation was directed. Upon holding further investigation, a second FRT was submitted by the investigating agency which was again assailed by the petitioner before the learned Magistrate. This time the

petitioner did not choose to file a formal Narazi application.

The petitioner seeks to file a Narazi application before the learned Chief Metropolitan Magistrate, Calcutta, presently redesignated as learned Chief Judicial Magistrate, Calcutta seeking further investigation and annexing relevant documents.

Learned counsel for the petitioner submits that the individual who sent the alleged whatsapp messages has not been interrogated. His mobile phone has also not been seized in course of investigation.

Per contra, learned counsel for the State submits that the said person is not traced and it came to light during investigation that he has sold his property and left without any intimation.

Laches and flaws in investigation cannot be ruled out.

On prayer of the petitioner, liberty is granted to file an application before the learned Magistrate under Section 173(8) of the Code of Criminal Procedure seeking further investigation and annexing documents which the petitioner may find relevant for the purpose of investigation.

The petitioner is also granted liberty to produce relevant documents before the investigating officer which

may, in his opinion, render assistance to the investigating officer in unraveling the truth.

In view of the above, the order impugned dated 16th May, 2024 passed by the learned Chief Metropolitan Magistrate, Calcutta, presently redesignated as learned Chief Judicial Magistrate, Calcutta in GR 176 of 2020 be quashed/set aside.

The revisional application being CRR 3124 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)