

February 25, 2025

19 ARDR

CRR 4935 of 2024
CRAN 1 of 2025

Swati Agarwal & ors.
Vs.
The State of West Bengal & anr.

Adv. Rishav Singh,
Sr. Adv. Sabyasachi Banerjee,
Adv. Debasish Roy, Ld. PP,
Adv. Arijit Ganguly,
Adv. Santanu Talukdar,
... for the Petitioners.
...for the op. no.2.
... for the State.

Affidavit of service filed on behalf of the petitioners is taken on record.

By consent of the parties, the revisional application is taken up for consideration.

Heard learned counsels for the parties.

The petitioners are aggrieved by the order dated October 29, 2024 passed by the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas in GR 621 of 2020 directing fresh investigation of the case.

Learned counsel for the petitioners submits that the learned Magistrate had no authority to direct a fresh investigation and could at best direct a further investigation under Section 173(8) of the Code of Criminal Procedure.

Learned counsel for the opposite party concedes to the submission made by the petitioner and submits that the order impugned may be modified accordingly.

Section 173(8) of the Code authorises the Magistrate to direct a further investigation and not a fresh investigation. It appears that the defacto complainant/private opposite party prayed for further

investigation before the learned Magistrate despite which the learned Magistrate directed fresh investigation instead of further investigation.

In view of the provision laid down under Section 173(8) of the Code, the order impugned dated October 29, 2024 be modified to the extent that the Inspector in charge, Lake Town Police Station be directed to conduct further investigation by assigning a competent police officer not below the rank of Sub-Inspector of Police apart from the present Investigating Officer and submit a final report.

The revisional application, being CRR 4935 of 2024 is disposed of.

As a consequence, CRAN 1 of 2025 is also disposed of.

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

(Suvra Ghosh, J.)