

21.04.2026
Sl. No.1
Ct. No.237
S.A.

CRR 69 of 2025

In the matter of: **Sanjib Basu**

.....petitioner

Mr. Bikash Ranjan Bhattacharya, ld. sr. adv.
Mr. Shankha Shubhra Mukherjee
Ms. Barnali Saha

...for the petitioner

Mr. Rudradipta Nandy
Ms. Sanjana Saha

...for the State

Mr. Swapan Kumar Mallick
Ms. Sudeshna Das
Ms. Priyanka Dutta
Mr. Aiswaryya Mukherjee

...for the opposite party no.2

This revisional application is directed against an order dated December 12, 2024, passed by the learned Judicial Magistrate-II, Sealdah, whereby the learned Magistrate rejected the petitioner's prayer for issuing a direction upon the Investigating Officer of Beliaghata Police Station to conduct a reinvestigation of G.R. Case No. 3337 of 2019, arising out of Beliaghata Police Station Case No. 291 of 2019 dated December 17, 2019, under Sections 279 and 304A of the Indian Penal Code, 1860.

It appears that, in the present case, the petitioner lodged a complaint before the Officer-in-Charge, Beliaghata Police Station, Kolkata, on November 21, 2019, alleging, inter alia, that his daughter had been travelling with her boyfriend, opposite party no. 2, on his motorcycle on the night of October 28, 2019. During the course of the

journey, the petitioner's daughter fell from the motorcycle. She was thereafter admitted to a nearby hospital at midnight and ultimately succumbed to her injuries on October 30, 2019. In the said complaint, the petitioner alleged that the death of his daughter was unnatural and sought a thorough investigation to ascertain the actual cause of death. Accordingly, the petitioner requested the Officer-in-Charge to investigate the matter comprehensively so that the true cause of his daughter's death could be determined.

It further appears that, following the complaint lodged by the petitioner, a preliminary enquiry was conducted by the concerned officer of Beliaghata Police Station. Upon such enquiry, the Investigating Officer prima facie found that on October 28, 2019, the victim had been travelling as a pillion rider, while opposite party no. 2 was driving the motorcycle. The victim's "Saree" became entangled in the rear wheel of the motorcycle, causing her to fall and sustain head injuries. She was immediately taken to a hospital and admitted therein, where she ultimately succumbed to her injuries on October 30, 2019.

On the basis of the preliminary enquiry, the police registered a case under Sections 279 and 304A of the Indian Penal Code, 1860, against opposite party no. 2. Upon completion of the investigation, the Investigating Agency filed a charge-sheet under the aforesaid provisions.

Following the filing of the charge-sheet, cognizance was taken by the learned Additional Chief Judicial Magistrate II, Sealdah, and the case was subsequently transferred to the Court of the learned Judicial Magistrate II, Sealdah. The learned Magistrate fixed March 7,

2024, for the framing of charges against opposite party no. 2, and on that date, charges were duly framed under Sections 279 and 304A of the Indian Penal Code. Thereafter, the matter was fixed for evidence on August 17, 2024. It appears that, subsequently, on December 10, 2024, the petitioner filed an application seeking reinvestigation of the case.

It is pertinent to note that the petitioner's application did not specify the provision of the Code of Criminal Procedure, 1973, under which it was filed. It is well settled that, while a Magistrate is empowered to direct further investigation under Section 173(8) of the Code of Criminal Procedure, 1973, no provision confers upon the Magistrate the authority to order a reinvestigation, i.e., a de novo investigation.

Before this Court, however, it has been submitted that, although the petitioner's application was not expressly framed under any specific provision of law, it ought to be construed as an application for further investigation under Section 173(8) of the Code of Criminal Procedure, 1973. By the impugned order dated December 12, 2024, the learned Magistrate rejected the said application on the ground that, once the trial has commenced, no direction for further investigation can be issued.

This Court finds no reason to interfere with the order of the learned Magistrate. It is well established in law that a trial is deemed to commence upon the framing of charges, and once the trial has commenced, a prayer for further investigation cannot ordinarily be entertained. This legal proposition has been authoritatively laid down by a three-Judge Bench of the Hon'ble Supreme Court reported at

(2019) 17 SCC 1 (Vinubhai Haribhai Malaviya v. State of Gujarat), and has been followed in subsequent decisions, including the judgment reported at **(2018) 14 SCC 298 (Athul Rao v. State of Karnataka)**.

Mr. Rudradipta Nandy, learned advocate appearing for the State, has further submitted that, even on merits, the petitioner's prayer for further investigation ought not to have been entertained by the learned Magistrate. It is contended that the charge-sheet cites eye-witnesses and post-occurrence witnesses who have, in unequivocal terms, stated before the police authorities during the course of the investigation that the victim's death occurred due to the rash and negligent driving of opposite party no. 2.

However, this Court does not consider it necessary to enter into the merits of the matter, inasmuch as the petitioner's prayer for further investigation was not maintainable for the reasons recorded by the learned Magistrate.

Accordingly, this Court finds no merit in the present revisional application challenging the impugned order dated December 12, 2024.

CRR 69 of 2025 is, therefore, dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)