

Order No.10, Dated 09.02.2024.

Today is fixed for hearing in respect of the maintainability of the revisional application.

Revisionist files *hajirah*.

Heard. Considered.

At the time of hearing Ld. Advocate for the revisionist argued that the application for revision is maintainable against refusal of the Trial Magistrate to direct further investigation.

Section 397(2) of CrPC provides that the powers of revision shall not be exercised in relation to any interlocutory order passed in other proceedings.

Revisionist argued that the impugned order is not an interlocutory order as the same affects her rights substantially and might affect her right to get fair and just trial conclusively.

The revisionist has relied upon a unreported order passed by Hon'ble Calcutta High Court on 31.01.2022 in CRR 2014 of 2022 wherein prayer of similar nature was entertained. Fact remains that in a judgment reported in (2013) 5 SCC 762 Hon'ble Apex Court observed that a Magistrate has the power to direct further investigation.

In such circumstances, it is apparent that the revisional application is maintainable.

Revisionist is directed to submit fresh requisites.

To 04.03.2024 for S/R.

D/C by me,

ADJ, FTC-2, Sealdah.

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