

04.08.2022
Item No.50.
D/L.
Mithun
Ct.42

CRR 2812 of 2022
Sanjay Chatterjee @ Picklu
Vs.
The State of West Bengal & Anr.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Arindam Jana, Adv.
Mr. Soumajit Chatterjee, Adv.

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...for the petitioner.

The allegation against the petitioner is that the petitioner outraged the modesty of the de-facto complainant by making some documents in the form of photograph etc. in social media through mobile Internet. The Investigating Officer seized the mobile set etc. from the custody of the accused/petitioner. However, it was not examined till date by the Cyber Forensic and Autopsy Examiner's Laboratory. The Investigating Officer at the time of filing charge-sheet against the petitioner stated that due to Covid Pandemic, he could not take any step for examination of the mobile set, pen drive and other electronic devices, seized from the possession of the accused. He also prayed that substantially supplementary charge-sheet will be filed if it is possible for him to get the seized documents

examined scientifically and if the report of the scientific examiner is prepared.

I failed to understand as to whether filing of supplementary charge-sheet depends upon the mere whims of the Investigating Officer or a permission is required to be taken from the Court for further investigation.

Since the entire allegation based on the incriminating materials allegedly contained in electronic devices and seized electronic devices have not been examined by the scientific examiner, the petitioner has raised the validity of the charge-sheet in the instant revision.

The revision is admitted for hearing.

The petitioner is directed to serve notice upon the private opposite party No.2 under registered speed post with acknowledgment due and file affidavit of service within 3 weeks from the date of this order.

The State of West Bengal be served through the learned Public Prosecutor, High Court, Calcutta.

Further proceeding of G.R. Case No.465 of 2021 pending before the learned Judicial Magistrate, 5th Court at Serampore be stayed for a period of six weeks.

(Bibek Chaudhuri, J.)