

04.10.2024
rc/ct.no.34
Item No.35

CRR No.4356 of 2024

**In the matter of : Sweta Yadav @ Sweta Kumari & Anr.
.....Petitioners**

Mr. Kusal Kumar Mukherjee
Mr. Narattam Acharyya ...for the Petitioners

The petitioners have assailed the order passed by the learned Additional Chief Judicial Magistrate, Kharagpur on September 19, 2024 in G.R.Case No. 1006 of 2023 directing reinvestigation of the matter.

Placing reliance on the authority in Vinay Tyagi Vs. Irshad Ali @ Deepak & Ors. Reported in (2013)2 C Cr LR(SC) 83 learned counsel for the petitioners submits that the learned Magistrate had no authority to direct reinvestigation of the case after submission of the charge sheet. Such permission ought to have been granted by a higher forum upon prayer made before it.

It appears from the material on record that the petitioners have been able to make out an arguable case.

Petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Let this matter appear under the heading "Contested Application" in the monthly list of January,2025.

The order impugned dated September 19, 2024 in so far as the prayer of the defacto complainant for reinvestigation of the

case has been allowed is stayed till January 31, 2025 or until further orders, whichever is earlier.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh,J)