

D/L
Item No. 5
09.06.2021
(Video Conference)
debajyoti/kole

WWW.LIVELAW.IN
WPA (P) 169 of 2021

The Court on its own motion

(In Re: Delayed Investigation in Criminal Cases)

*Mr. Kishore Datta, Advocate General with
Mr. Tapan Kumar Mukherjee, Advocate.*

*... for the State
present through virtual mode.*

In terms of the order dated January 29, 2021 passed by the Jalpaiguri Bench of this Court in CRM 70 of 2021 (**Mafijar Rahaman & Ors.-vs.-The State of West Bengal**), information was received from the Criminal Investigation Department of the State of West Bengal vide communication dated April 13, 2021. The same was placed before the Chief Justice (Acting) and matter was directed to be taken on judicial side as a PIL for the reason that delayed investigation and filing of charge sheet in Court in cases involving heinous crimes does not reflect good on the investigating agency. As per the information received, there are 999 cases where charge sheet had not been filed within the time permitted in different statutes. Some of the cases are more than a decade old.

The reasons assigned for non-filing of charge sheets within the time permitted are pendency of investigation,

WWW.LIVELAW.IN

non-receipt of reports from different laboratories, sanction for prosecution, arrest of accused, experts opinion, collection of relevant documents etc.

We have requested Mr. Kishore Datta, Leaned Advocate General to go through the information received from the Criminal Investigation Department of the State of West Bengal and to apprise the Court as to whether there are any other cases where charge sheets have not been filed within the time permitted. Further, he will apprise the Court as regards the infrastructure available in different laboratories in the State with reference to the fact that the testing facilities have to be such where the reporting is not delayed as a result of which the filing of the charge sheet or investigation of a case delayed. If the infrastructure is required to be updated or augmented, a plan therefor should also be placed before the Court. Whenever the charge sheets have not been filed for want of sanction, the reasons therefor and the officers concerned who are sitting tight over the file in not granting sanction for prosecution, be placed before the Court.

The Registrar General of this Court is directed to collect information from all the courts in the State of West Bengal as regards the cases in which the charge sheets have not been filed in Court within the time permissible in law. The information be placed before the Court before the next date of hearing in a tabulated form, district wise.

WWW.LIVELAW.IN

The Registry is directed to supply softcopy of the communication received from Criminal Investigation Department by this Court, on the official e-mail ID of the learned Advocate General.

Adjourned to June 28, 2021.

[Rajesh Bindal, CJ (Acting)]

(Arijit Banerjee, J.)