



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 7453/2025

Mahaveer S/o Indermal Sethiya, aged About 38 Years, resident of 38 Chetna Bhawan, Pannadhay Colony, Chittorgarh Dist. Chittorgarh

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Ajayraj Singh S/o Late Sh. Hukam Singh Chundawat, Resident of Bassi, presently Kukada Residency, Chittorgarh

-----Respondents

For Petitioner(s) : Mr. Umesh Kant Vyas
For Respondent(s) : Mr. Vikram Singh Rajpurohit, PP
Mr. Rakesh Arora for respondent No.2

HON'BLE MR. JUSTICE SANDEEP SHAH

Judgment

1. **Date of conclusion of arguments** **27.01.2026**
2. **Date on which judgment was reserved** **27.01.2026**
3. **Whether the full judgment or only the operative part is pronounced:** **Full Judgment**
4. **Date of pronouncement** **07.02.2026**

Reportable

1. The present petition has been filed challenging the order dated 14.08.2025 passed by the learned Additional Sessions Judge No.2, Chittorgarh, in Criminal Revision No.77/2025, whereby the revision petition preferred by the petitioner against the order dated 02.04.2025 passed by learned Chief Judicial Magistrate, Chittorgarh in FR No.192/24 dated 11.12.2024 arising out of FIR No.357/2024, Police Station Kotwali, District Chittorgarh for the offences under Sections 406, 420, 467, 468, 471 and 120-B IPC, directing the Investigating Agency to investigate the matter in a particular manner, was rejected. The challenge has also been



laid to the order dated 02.04.2025 passed by Chief Judicial Magistrate, as stated supra.

2. The prayer made by the petitioner in the petition is as follows:-

"It is therefore most respectfully prayed that this petition may kindly be allowed and the order impugned dated 14.08.25 passed by add. session judge no.2 chittorgarh in criminal revision petition no.77/2025; & the order dated 02.04.25 passed by learned chief judicial magistrate chittorgarh in negative final report (fr) no.357/2024 whereby learned magistrate ordered/suggested the mode of investigation & directed investigating agency to investigate the matter in a particular manner, as well as the criminal proceedings initiated in furtherance of the same, May kindly order to be quashed.

Any other relief which this Hon'ble Court deem in favor of the petitioner may also be granted"

Factual Matrix :

3. Briefly stated the facts of the case are that respondent No. 2- Ajayraj Singh filed a complaint under Section 175(3) of the BNSS, 2023 alleging commission of offences under Sections 406, 420, 467, 468, 471 and 120-B of the IPC against the petitioner and his father Indermal. In the complaint, the complainant stated as under:-

"the accused person (Petitioner - Mahaveer Sethiya), under the pretext of making him a shareholder in Urban Cooperative Bank Limited in 2015, opened an Overdraft (OD) account for him and his mother, from this, he misappropriated Rs.8,00,000/- by transferring the amount to their various firms. Furthermore, the complainant joined as an accountant with the accused to handle accounts. The accused took possession of several signed and blank cheques, as well as chequebooks from his IDBI Bank, HDFC Bank, Canara Bank, and Urban Cooperative Bank accounts. Accused obtained his signatures on cheques, which he kept in his possession. The accused then allegedly conspired to misuse these cheques. On 26.10.2020, the complainant came





to know about the fact that the accused forged the complainant's signature on two cheques and a handwritten note (dated July 24, 2019.) to withdraw funds (Rs. 5,17,500) from the person named Narayan Chawla and invested that money into their own business. The complainant had to pay Rs.5,17,500/- to a person named Anup Ameria to recover these forged documents, which included IDBI Bank cheque No. 089705, Canara Bank cheque No. 728983, and a handwritten note dated July 24, 2019. In June 2024, the complainant discovered that another IDBI Bank cheque (No. 232423) had also been forged and handed over to Shailendra Singh Chundawat. The complainant requested that these documents be sent for FSL and FIR be registered with offences punishable u/s 406, 420, 467, 468, 471 and 120 of IPC."

4. The complaint so filed was sent for investigation under Section 175(3) BNSS, 2023 by the learned trial Court. The police, after investigation, filed a negative final report No.192/24 dated 11.12.2024 while asserting therein that although the complainant had referred to handing over of two cheques and a handwritten note by the petitioner to Narayan Chawla, Anup Ameria and Shailendra Singh Chundawat, but all the witnesses have denied the same and rather expressed their inability to acknowledge any such documents ever having been handed over to them or returned by them to the complainant after receiving any amount. The police also found that the petitioner and the complainant were very close to each other and almost part of the same family.

5. Aggrieved by filing of the final report under Section 173 Cr.P.C., the respondent filed a protest petition, emphasizing that the police had not undertaken the proper and necessary investigation. It was also asserted that, prior to conclusion of the investigation, the complainant had submitted an application before the Inspector General of Police, Udaipur Range, seeking





verification of the signatures of petitioner appearing on the cheque by way of FSL. Upon the protest petition so filed, the trial Court refused to accept the final report submitted by the Investigating Agency and directed the Investigating Agency to undertake further investigation under Section 173(8) Cr.P.C.

6. Strangely, while passing such an order, the Court also specified the manner in which the investigation was to be conducted, viz., by obtaining an FSL report with respect to the signatures on the cheques and the handwritten note, and thereafter submitting a complete investigation report before the Court concerned.

7. Being aggrieved by such directions, the petitioner filed a revision petition, being Criminal Revision Petition No. 77/24, before the learned Additional Sessions Judge No. 2, Chittorgarh, who while concurring with the view taken by the learned trial Court, dismissed the revision petition vide order dated 14.08.2025 and held that there was no illegality in issuing such directions by the learned trial Court.

8. Both the above-mentioned orders are under challenge in the present petition.

Argument on behalf of petitioner:

9. Learned counsel for the petitioner, Mr. Umesh Kant Vyas while arguing the case on merits, asserted that though the entire case of the prosecution hinged upon the statements of Narayan Chawla, Anup Ameria, Shailendra Singh Chundawat and Hamender Singh, but none of the witnesses have supported the version given by the complainant. Learned counsel further asserted that the cheques were issued by the complainant himself and there was no





occasion for the petitioner to endorse the signatures of the complainant upon the cheques in question. Learned counsel further submitted that, as far as the version given by the complainant that he received the cheques and a written note from Shailendra Singh Chundawat and Anup Ameria after handing over a certain amount to them, the said version is not supported by any of the witnesses. Therefore, the Investigating Agency, after considering all aspects of the case, had rightly filed the negative final report while emphasizing that no offence was made out. Learned counsel further asserted that since there was no allegation of misuse of the cheques or their being used as security, there was no occasion for the Investigating Agency to get the signatures matched by way of an FSL report. He further asserted that when the witnesses had not supported the version of the prosecution, there was no requirement of delving into the niceties of the signatures upon the cheques in question, which admittedly were handed over by the complainant himself to the Investigating Agency and were never recovered from the petitioner.

10. Apart from the above-mentioned submissions, learned counsel emphatically submitted that, even otherwise, assuming that the case was fit for directing further investigation, the trial Court could not have directed the investigation to be conducted in a particular manner, as has been done in the present case. Counsel for the petitioner submitted that the direction to get the signatures upon the cheque and the written note examined through the FSL, and further direction to conduct the investigation in a particular manner as well as to submit the report thereafter before the trial Court, was beyond the jurisdiction of the trial





Court. Learned counsel further asserted that the above-mentioned order amounted to transgressing into the domain of the Investigating Agency with regard to undertaking the investigation. He thus submitted that the order passed was beyond jurisdiction of the Court below, and the learned Revisional Court has also not considered this aspect of the matter while affirming the order passed by learned trial Court.

11. After arguing the matter at some length the learned counsel for the petitioner, however, confined his relief only to the directions given by the learned trial Court, as affirmed by the learned Revisional Court, with regard to the manner of conducting the investigation, and has not challenged the order directing further investigation as issued by the learned trial Court and affirmed by the learned Revisional Court.

12. Learned counsel for the petitioner further submitted that in support of his arguments, various case laws were cited before the learned Revisional Court, but the learned Revisional Court, rather than considering the citations as relied upon by the petitioner, treated them as citations on behalf of the respondents. He further submitted that, even if, such precedential law had been properly considered by the Revisional Court, the order in question would not have been passed. To buttress his submissions, learned counsel relied upon the judgment passed by Hon'ble Apex Court in the case of "**State of Uttar Pradesh v. Aman Mittal & Anr.**", reported in **(2019) 19 SSC 740, M.C. Abraham and Anr. v. State of Maharashtra and Ors.**, reported in **(2003) 2 SCC 649** and the judgment dated 18.04.2023 passed by a Co-ordinate Bench of this Court in **S.B. Criminal Misc. (Pet.) No.**





1799/2023 (Dinesh Soni & Anr. v. State of Rajasthan & Anr.).

Argument on behalf of respondents:

13. On the other hand, learned counsel for the State has supported the impugned orders to the extent of directions for further investigation; however, he was not in a position to countenance the argument of learned counsel for the petitioner with regard to the directions issued for conducting the investigation in a particular manner.

14. Learned counsel Mr. Rakesh Arora for the respondent/complainant, on the other hand, while asserting that the investigation was laconic, submitted that the learned trial Court had rightly refused to accept the final report and directed further investigation. He submitted that, despite a request having been made for getting the signatures matched through the FSL, the Investigating Agency had not done the needful, and therefore the trial Court was within its jurisdiction to direct the manner in which the investigation was to be conducted. He, therefore, prayed that the miscellaneous petition deserves to be dismissed.

Question for consideration

15. The only issue for consideration in the present case is **“whether the Court can issue directions to the investigating agency to conduct an investigation in a particular manner.”**

16. Since the petitioner has not challenged the order with regard to the undertaking of further investigation and has confined his relief only to the extent of the observations made in the second-last paragraph of the impugned order with regard to the manner in which the investigation was to be conducted, the merits of the





case, to the extent of consideration of the direction for further investigation, have not been gone into. However, for the sake of convenience, the operative portion of the impugned order dated 02.04.2025 is quoted as under:

" इस प्रकार उक्त प्रकरण में अनुसंधान अधिकारी द्वारा अपूर्ण अनुसंधान किया जाना प्रकट होता है और परिवादी की ओर से उक्त परिवाद पत्र के साथ प्रस्तुत विवादित चैक व हस्तलिपि पर परिवादी के हस्ताक्षरों के संबंध में एफ.एस.एल. जांच करवाकर उक्त प्रकरण में अतिरिक्त अनुसंधान करवाया जाना उचित प्रतीत होता है। अतः परिवादी की ओर से प्रस्तुत प्रार्थना पत्र स्वीकार किया जाकर थानाधिकारी कोतवाली, चित्तौड़गढ़ को निर्देशित किया जाता है कि परिवादी की ओर से प्रस्तुत विवादित चैक व हस्तलिपि पर विवादित हस्ताक्षरों के संबंध में एफ.एस.एल. जांच करवाकर प्रकरण में अतिरिक्त अनुसंधान कर नतीजा न्यायालय के समक्ष पेश करे। एफ.आर. पत्रावली नियमानुसार लौटायी जावे। "

17. Needless to emphasize that the above-mentioned order was affirmed by the learned Revisional Court also on the same analysis.

Analysis:

18. The question for consideration before this Court is whether the Court can direct investigation of an offence in a particular manner? for the above-mentioned purpose, reference to Chapter XII of the Cr.P.C., 1973 would be relevant. The Chapter starts with Section 154 of the Cr.P.C., which provides as under:

"154. Information in cognizable cases.—

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf:





[Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, 2[section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB], section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Provided further that—

(a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, [section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB], section 376E or section 509 of the Indian Penal Code (45 of 1860) is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.]

(2) A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence."





19. Furthermore, Sections 156 and 157 of the Cr.P.C. provide as under:

"156. Police officer's power to investigate cognizable case.—(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.

157. Procedure for investigation.—

(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

Provided that—

(a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

[Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her





parents or guardian or near relatives or social worker of the locality.]

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police station shall state in his report his reasons for not fully complying with the requirements of that sub-section, and, in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the State Government, the fact that he will not investigate the case or cause it to be investigated."

20. A perusal of the above-mentioned sections and further provisions of Chapter XII of the Cr.P.C. will reveal that the manner in which the investigation is to be conducted lies within the exclusive domain of the Investigating Agency, and the Chapter in question is a self-contained code as far as the manner of investigation is concerned, be it the manner in which the statements are to be taken, the confessions are to be recorded, medical examinations are to be conducted, or the issuance of search warrants, etc.

21. It is only upon completion of the investigation that the report is sent by the officer in charge of the police station to the Magistrate empowered to take cognizance of the offence under Section 173 of the Cr.P.C. Quoting Section 173(8) would also be relevant here, which provides as under:

"173. Report of police officer on completion of investigation

.....

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form





prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2)''

22. A perusal of the above-mentioned provision will reveal that even post completion of investigation, the Investigating Agency is not precluded from further investigating in respect of an offence, and it can obtain further evidence, oral as well as documentary, and thereafter forward the report to the Magistrate regarding such evidence in the form prescribed. It is thus clear that the above-mentioned provisions set out the details of the manner in which the investigation is to be conducted, and a perusal of the provisions as well as Chapter XII will reveal that the manner of investigation lies within the exclusive domain of the Investigating Agency, and the Court concerned has no say as far as the manner in which the investigation is to be conducted.

23. The issue for consideration as to whether the High Court, while exercising jurisdiction under Section 528 of BNSS (482 of the Cr.P.C.), can interfere in the manner of investigation, came up for consideration before the Hon'ble Apex Court and the Hon'ble Apex Court in the case of **M.C. Abraham and Anr. v. State of Maharashtra and Ors.**, reported in **(2003) 2 SCC 649**, held as under:

*"13. This Court held in the case of J.A.C. Saldanha [(1980) 1 SCC 554: 1980 SCC (Cri) 272] that there is a clear-cut and well-demarkated sphere of activity in the field of crime detection and crime punishment. **Investigation of an offence is the field exclusively reserved by the executive through the police department, the superintendence over which vests in the State Government.** It is the bounden duty of the executive to investigate, if an offence is alleged, and bring the offender to book. Once it investigates and finds an offence having been*





committed, it is its duty to collect evidence for the purpose of proving the offence. Once that is completed and the investigating officer submits report to the court requesting the court to take cognizance of the offence under Section 190 of the Code of Criminal Procedure, its duty comes to an end. On cognizance of the offence being taken by the court, the police function of investigation comes to an end subject to the provision contained in Section 173(8), then commences the adjudicatory function of the judiciary to determine whether an offence has been committed and if so, whether by the person or persons charged with the crime. In the circumstances, the judgment and order of the High Court was set aside by this Court.

....

17. *The principle, therefore, is well settled that it is for the investigating agency to submit a report to the Magistrate after full and complete investigation. The investigating agency may submit a report finding the allegations substantiated. It is also open to the investigating agency to submit a report finding no material to support the allegations made in the first information report. It is open to the Magistrate concerned to accept the report or to order further enquiry. But what is clear is that the Magistrate cannot direct the investigating agency to submit a report that is in accord with his views. Even in a case where a report is submitted by the investigating agency finding that no case is made out for prosecution, it is open to the Magistrate to dis-agree with the report and to take cognizance, but what he cannot do is to direct the investigating agency to submit a report to the effect that the allegations have been supported by the material collected during the course of investigation.*

18. *In the instant case the investigation is in progress. It is not necessary for us to comment on the tentative view of the investigating agency. It is the statutory duty of the investigating agency to fully investigate the matter and then submit a report to the concerned Magistrate. The Magistrate will thereafter proceed to pass appropriate order in accordance with law. It was not appropriate for the High Court in these circumstances to issue a direction that the case should not only be investigated, but a charge sheet must be submitted. In our view the High Court exceeded its jurisdiction in making this direction which deserves to be set*





aside. While it is open to the High Court, in appropriate cases, to give directions for prompt investigation etc., the High Court cannot direct the investigating agency to submit a report that is in accord with its views as that would amount to unwarranted interference with the investigation of the case by inhibiting the exercise of statutory power by the investigating agency. "

24. The above-mentioned judgment was thereafter considered by the Hon'ble Apex Court in the case of Aman Mittal (supra) and while following the same, identical observations were made.

25. The Hon'ble Supreme Court in the case of **State of West Bengal v. Sandip Biswas**, reported in **Manu/SC/1697/2022** has further held as under:

"5. The High Court even Under Articles 226 and 482 of the Constitution of India does not have the power to direct the investigation to be conducted in a particular manner. As to Whether bail is to be granted is solely within the discretion of the High Court. However, directing the investigating agency to conclude the investigation by a particular date and after that date directing automatic release of the Appellant, in our view would be to abdicate the function of the High Court to decide the question as to whether the applicant before it was entitled to grant of bail on merits or not."

26. Even a co-ordinate Bench of this Court, in the case of **Dinesh Soni v. State of Rajasthan** (supra), has held that the Court cannot direct the Investigating Agency to investigate in a particular manner even while exercising powers under Section 173(8) of the Cr.P.C., as the same is within the discretion and prerogative of the Investigating Officer. The Court has held as under:

"From a bare perusal of Section 173(8) Cr.P.C., it is clear that the Magistrate has power to send the case back for re-investigation, if he is not satisfied with the investigation. According to provisions of Section 173(8) Cr.P.C., the





Magistrate is not precluded to pass an order for further investigation and Investigating Officer is also under obligation to follow the directions issued by the Magistrate and to take further evidence oral or documentary to send further report as per the directions of the Court. However, the Investigating Officer has his discretion and prerogative to investigate the matter as per his subjective satisfaction and the method to be adopted to investigate the matter is totally left with the discretion of the Investigation Officer. In the present case, the order with regard to further investigation is in consonance with the provisions of law but the operative portion of the impugned order directing the Investigating Officer in a particular way is not sustainable."

27. The issue in this regard was also considered by the Hon'ble Apex Court in the case of **Manohar Lal Sharma v. Principal Secretary & Ors.** reported in **(2014) 2 SCC 532**. In the above-mentioned case, the Court distinguished between monitoring of investigation and supervising of investigation, holding that the Court can monitor the investigation but cannot supervise the investigation by directing execution of a task in a particular manner or undertaking surveillance qua the same. It was held as under:

38. *The monitoring of investigations/inquiries by the Court is intended to ensure that proper progress takes place without directing or Channelling the mode or manner of investigation. The whole idea is to retain public confidence in the impartial inquiry/investigation into the alleged crime; that inquiry/investigation into every accusation is made on a reasonable basis irrespective of the position and status of that person and the inquiry/investigation is taken to the logical conclusion in accordance with law. The monitoring by the Court aims to lend credence to the inquiry/investigation being conducted by CBI as premier investigating agency and to eliminate any impression of bias, lack of fairness and objectivity therein.*

39. *However, the investigation/inquiry monitored by the court does not mean that the court supervises such*





investigation/inquiry. To supervise would mean to observe and direct the execution of a task whereas to monitor would only mean to maintain surveillance. The concern and interest of the court in such "Court-directed" or "Court-monitored" cases is that there is no undue delay in the investigation, and the investigation is conducted in a free and fair manner with no external interference. In such a process, the people acquainted with facts and circumstances of the case would also have a sense of security and they would cooperate with the investigation given that the superior courts are seized of the matter. We find that in some cases, the expression "Court-monitored" has been interchangeably used with "Court-supervised investigation". Once the court supervises an Investigation, there is hardly anything left in the trial. Under the Code, the investigating officer is only to form an opinion and it is for the court to ultimately try the case based on the opinion formed by the investigating officer and see whether any offence has been made out. If a superior court supervises the investigation and thus facilitates the formulation of such opinion in the form of a report under Section 173 (2) of the Code, it will be difficult if not impossible for the trial court to not be influenced or bound by such opinion. Then trial becomes a farce. Therefore, supervision of investigation by any court is a contradiction in terms. The Code does not envisage such a procedure, and it cannot either. In the rare and compelling circumstances referred to above, the superior courts may monitor an investigation to ensure that the investigating agency conducts the investigation in a free, fair and time-bound manner without any external interference."

28. The Hon'ble Supreme Court in the case of **D. Venkatasubramaniam & Ors. v. M.K. Mohan Krishnamachari & Anr.**, reported in **(2009) 10 SCC 488**, while relying upon the judgment passed in **M.C. Abraham and Anr. v. State of Maharashtra and Ors.**(supra), reiterated that the Court cannot direct the Investigating Agency to investigate the case in accordance with its own view, as such directions amount to unwarranted interference. If such an order is passed, it would





amount to overstepping judicial limits. The Hon'ble Apex Court heard as under:

"31. The High Court, without recording any reason whatsoever, directed the police that it is obligatory on their part to record statements from witnesses, arrest, seizure of property and filing of charge sheet. It is difficult to discern as to how such directions resulting in far reaching consequences could have been issued by the High Court in exercise of its jurisdiction under Section 482 of the Code. The High Court interfered with the investigation of crime which is within the exclusive domain of the police by virtually directing the police to investigate the case from a particular angle and take certain steps which the police depending upon the evidence collected and host of other circumstances may or may not have attempted to take any such steps in its discretion."

29. A perusal of the judgments referred to (supra), as well as the provisions of the Code of 1973 and corresponding provisions under the B.N.S.S., 2023, clearly reveals that the manner in which investigation is to be conducted lies within the exclusive domain of the Investigating Agency, and the Court cannot interfere with the same, particularly with regard to the manner of investigation. True it is that, post-investigation, when the report is submitted, the Court is within its domain to accept or reject the final report and to proceed accordingly. However, it cannot direct that further investigation to be conducted in a particular manner.

30. The power to investigate into the commission of a cognizable offence is a statutory power of the Investigating Agency which cannot be interfered with by the Court. The Court may direct prompt investigation or order further investigation, but it cannot transgress into the field of the Investigating Agency by prescribing the manner in which the investigation is to be conducted. Once the Court directs the manner of investigation and suggests





collection of evidence in a particular way, it can safely be said that the fate of the case is sealed by the Court itself, thereby undermining the process of conducting a fair trial.

31. The question is thus answered in the manner that, though the Court can direct holding of further investigation, it cannot direct the manner in which the investigation is to be conducted or the manner in which evidence is to be collected during investigation, as the field in question lies within the exclusive domain of the Investigating Agency.

Conclusion

32. In view of the above discussion, the present criminal miscellaneous petition is partly allowed. The order dated 14.08.2025 passed in criminal revision petition No. 77/2025 by the learned Add. Session Judge No.2, Chittorgarh is set aside and the order dated 02.04.2025 passed in FR no.192/24 dated 11.12.2024 arising out FIR No.357/2024, Police Station Kotwali, District Chittorgarh by the learned Chief Judicial Magistrate, Chittorgarh is also set aside to the extent of directing the Investigating Officer to investigate the matter in a particular manner i.e. the direction qua getting the signatures on cheques and hand note to be examined by the F.S.L. It is, however, directed that the further investigation shall be conducted by the Investigating Agency independently and in accordance with law.

33. All pending applications stand disposed of.

(SANDEEP SHAH),J

66-mohit/-