

Item No.6
Ct.No.34
dc.

C.R.R. 450 of 2020
(Via Video Conference)

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick ... For the State.

In view of the order dated 05.10.2021, the Investigating Officer of the case is present in Court. His further appearance is dispensed with.

I have perused the steps taken by the Investigating Officer in course of further investigation and the opinion arrived at by him.

The petitioner has expressed grievance regarding the manner and mode in which further investigation has been carried out.

I have checked the case diary and I find that the investigating authority, after collecting all the materials, was of the opinion that for want of evidence, no case has been made out. Learned Magistrate accepted such opinion of the investigating agency and by his order dated 16.01.2020 was

pleased to reject the prayer of the *de facto* complainant for further investigation.

In view of the contentions advanced by the petitioner and the State, I am of the view that further involvement of the police authorities at this stage are not required. However, the aggrieved *de facto* complainant cannot be shut out from ventilating his grievance before a court of law. Accordingly, the *de facto* complainant is granted liberty to file a petition of complaint under Section 200 of the Code of Criminal Procedure. Consequently, the revisional application as well as the supplementary affidavit which has been filed before this Court (certified copy of which is to be placed before the learned Magistrate) would be treated as petition of complaint and the learned Magistrate would assess the subsequent initial deposition placed before him by the complainant and his witnesses and decide whether a case for issuance of process is made out or not.

Needless to state that the learned Magistrate should not be swayed by any observations made by this Court and would independently consider the proceedings of complaint case.

With the aforesaid observations, the revisional application being CRR 450 of 2020 is disposed of.

Interim order, if any, is hereby vacated.

All pending connected applications, if any, are consequently disposed of.

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

(Tirthankar Ghosh, J.)