

D/L 38.
September
1, 2021
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C.R.R. No.2743 of 2018
(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973.

Vijay Kumar Singh
Versus
State of West Bengal

Mr. Kaushik Gupta,
Mr. Anirban Tarafder.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sandip Chakraborty.
...for the State.

Report submitted by the Officer-in-Charge of Cossipore
Police Station be kept with the record.

Mr. Kaushik Gupta, learned advocate appearing for the
petitioner draws attention of this Court to the order dated
13.08.2018 passed by the learned A.C.J.M, Sealdah.

I find from the said order that no notice was issued by
the court fixing date for granting opportunity to the petitioner to
ventilate his grievance in respect of the conclusion arrived at by the
Investigating Agency. The only satisfaction recorded by the learned
Magistrate is that the result of the investigation was communicated
to the defacto complainant by the Investigating Officer by e-mail.

In view of the settled principles of law, the defacto
complainant has a right of audience to file a protest petition in
respect of the conclusion arrived at by the Investigating Agency.

Having regard to the same, I am of the view that the order dated 13.08.2018 is not sustainable in law and, as such, is liable to be set aside.

Accordingly, CRR 2743 of 2018 is allowed.

Pending application, if any, is consequently disposed of.

The petitioner is directed to take steps for filing protest petition within a period of four weeks from date before the learned A.C.J.M., Sealdah.

The learned A.C.J.M., Sealdah, on receipt of such protest petition, will decide the same within a period of four weeks from the said date.

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

(Tirthankar Ghosh, J.)