

Court No.
33
Item 24
Ali
22.08.2022

CRR 152 of 2017

**Smt. Purnima Mondal
versus
The State of West Bengal & Ors.**

In re: An application under Section 482 of the Code of Criminal Procedure, 1973.

Ms. Ratna Ghosh

...for the State

No one appears on behalf of the petitioner.

The present revisional application has been preferred by the petitioner challenging order dated 4.1.2017 passed by learned Judicial Magistrate, 2nd Court, at Contai, Purba Medinipur in C.R. Case No. 384 of 2016.

The brief fact of the case is that the petitioner filed an application under Section 156 (3) of the Code of Criminal Procedure for treating the petition of complaint as FIR, however such prayer was refused and the petition was registered as complaint case. The trial magistrate after examining the complainant and her witnesses under Section 200 of the CrPC called for a report from Officer-in-Charge, Khejuri, Police Station under Section 202 of the CrPC. Upon considering the report submitted by the Officer-in-Charge Khejuri, Police Station, the complaint filed by the petitioner was dismissed under Section 203 of the CrPC .

Being aggrieved by and dissatisfied with the said order the petitioner has preferred the present revision.

Ms. Ratna Ghosh, learned advocate appears on behalf of the State. Her appointment be regularized by the concerned

authority. Ms. Ghosh submits that there is no infirmity in the impugned order.

It is found from the orders annexed to the revisional application that the petitioner filed an application under Section 156(3) of the CrPC for sending the petition of complaint to Khejuri Police Station for causing investigation, after treating the petition of complaint as an FIR. Such prayer of the petitioner was refused and the petition was registered as a complaint case. The case record was transferred to the file of learned Judicial Magistrate, 2nd Court, Contai, Purba Medinipur for disposal. The learned Magistrate after examining the complainant and one witness under Section 200 of the CrPC called for an enquiry report under Section 202 of the CrPC from Officer-in-Charge, Khejuri, Police Station vide order dated 16.12.2016. On 04.01.2017 Officer in-Charge Khejuri, Police Station submitted report. Upon considering such report and as there was no whisper of commission of alleged offence, the said complaint filed by the petitioner was dismissed under Section 203 of the CrPC. The report of Officer-in-Charge, Khejuri, Police Station dated 4.1.2017 shows that there is no such reflection of commission of alleged offence. Accordingly, the order passed by the learned Magistrate does not call for interference.

The present revisional application stands dismissed.

All connected applications stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

Let a copy of this order be sent to the learned trial court for information.

(Bivas Pattanayak, J.)