

February 28, 2022
Sl. No.01
Court No.1
SG/s.biswas

MAT 176 of 2022

With

CAN 1 of 2022

Shilpy Pandey

vs.

The State of West Bengal and others

(Through Video Conference)

Mr. Suddhasatva Banerjee,
Mr. Soumabho Ghosh,
Mr. Navneet Misra, Advocates

..for the appellant

Mr. Amitesh Banerjee, Id. Senior Standing Counsel
Mr. Tarak Karan, Advocate

..for the State

Mr. Kishore Datta, Senior Advocate
Mr. Arnab Sinha,
Mr. Amartya Basu, Advocates

... for the respondent Nos. 6 & 7

Mr. Dyutiman Banerjee, Advocate

... for the respondent No.8 & 9

The appellant/writ petitioner has questioned the order dated 08.02.2022 passed by learned single Judge in WPA 571 of 2022 on the limited ground that learned single Judge has directed for filing final report before the Judicial Magistrate, but in terms of the Regulation 275 of the Police Regulation of Bengal, 'final report' means 'closure report' whereas in Regulation 272 filing of charge-sheet after completion of investigation has separately been provided.

Submission of learned counsel for the appellant is that the form prescribed for filing of charge-sheet in terms of Regulation 272 and filing of report in the final form in terms of Regulation 275 are also different. Therefore, the word 'final report' mentioned by learned single Judge will

be misconstrued and will amount to a direction to file closure report.

Learned counsel for the State does not dispute that in terms of the order of learned single Judge on conclusion of the investigation report in the final form is required to be filed which may be a closure report or a charge-sheet. Section 173 of the Cr.P.C. also described for filing of the final report on conclusion of the investigation.

In order to avoid any confusion, we hereby make it clear that after conclusion of the investigation, report in the final form will be filed before the concerned jurisdictional Magistrate which may be in the form of charge-sheet or closure report depending upon the outcome of the investigation.

We make it clear that this order will not affect the right of the private respondents to challenge the impugned order on any other grounds.

The appeal and the connected application are accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]