

14.11.2022.
Court No.13
Item No. 11
pk

W.P.A. No. 5545 of 2018

**Abdul Gaffar
Versus
The State of West Bengal & Ors.**

Md. Younush Mondal

...For the petitioner.

Mr. Samrat Sen,
Mr. Amitava Mitra,
Mr. Saikat Chatterjee

... For the State.

The parties have placed an order dated 28.03.2019 passed by a Co-ordinate Bench of this Court. The petitioner was unhappy with the investigation into FIR No. 727 of 2017 dated 19.12.2017. The police have found mistake of fact and have filed final report before the jurisdictional Magistrate on 26.01.2019 being No. 21 of 2019.

This Court is of the view that the remedy of the petitioner is before the concerned magistrate under Section 173(8) of the Cr. P. C.

In that view of the matter, no useful purpose would be served by calling for affidavits from the parties.

Reserving liberty to the petitioner to move the Magistrate against the final report of the police under Section 173(8) of the Cr. P. C.

The writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)