

D/L 38
February
18, 2022
Bpg.

C.R.R. No.1515 of 2019
With
CRAN 1 of 2019 (Old CRAN 3776 of 2019)
With
CRAN 5 of 2021
(Via Video Conference)

In Re: An application under Sections 397/401 read with Section 482 of
the Code of Criminal Procedure, 1973;

Somesh Dasgupta
Versus
State of West Bengal & Anr.

Mr. Koushik Chowdhury,
Mr. Ayan Bhattacharjee,
Mr. Bratin Kumar Dey.
...for the petitioner.

Mr. N.P. Agarwala,
Ms. Subhasree Patel.
...for the State.

Mr. Sabir Ahmed,
Mr. Mujibar Ali Naskar.
...for the opposite party no.2.

Report submitted by Ms. Patel, learned advocate
appearing for the State, be kept with the record.

In view of the report so submitted, the revisional
application has become infructuous.

Mr. Ahmed, learned advocate appearing for the opposite
party no.2 submits that, in spite of overwhelming materials
appearing in evidence, the police authorities have submitted a
concocted report. The conclusion and opinion of the said report is
contrary to the materials according to the learned advocate and

there has been travesty of justice in the instant case as the lady in spite of her sufferings has failed to get a proper investigation.

Be that as it may, the opposite party no.2 is granted liberty to ventilate her grievances under Section 173(8) of the Code of Criminal Procedure before the jurisdictional court. Needless to that that no comments are being made by this Court on an appreciation regarding the materials appearing in evidence. Learned Magistrate will scrutinise the records and take his independent decision if any application under Section 173(8) of the Code of Criminal Procedure is preferred.

With the aforesaid observations, CRR 1515 of 2019 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

As submitted by Mr. Ahmed, the opposite party no.2 may apply for the documents and materials on which the prosecution has come to a finding regarding the report to be submitted on the foundation of mistake and fact. A copy of such documents may be supplied to the opposite party no.2 on an application being made before the jurisdictional court within a period of thirty days from the date of the application.

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

(Tirthankar Ghosh, J.)

