

30.03. 2022
item No.62
n.b.
ct. no. 34

CRR 2446 of 2019

Adhir Nandi
Vs.
State of West Bengal & Ors.

Mr. Rabi Sankar Chattopadhyay,
Mr. Uday Sankar Chattopadhyay,
Ms. Payel Shome,
Mr. Arabinda Maji
.....for the Petitioner

Mr. Abhra Mukherjee,
Ms. Manisha Sharma
.....for the State

The petitioner is aggrieved by the order passed by the Learned Additional Chief Judicial Magistrate, Bishnupur wherein the Learned Additional Chief Judicial Magistrate, Bishnupur was pleased by his order dated April 9, 2019 to reject the Narazi petition filed by the de facto complainant and accepted the report under Section 173 of the Code of Criminal Procedure wherein the Police Authority has opined "Mistake of fact".

I have taken into account the allegations made in the application under Section 156(3) of the Code of Criminal procedure, the materials appearing in the Case Diary and I find there are certain issues which required to be dealt with before the case is closed.

Accordingly, I set aside the order dated 9.4.2019 passed by the Learned Additional Chief Judicial Magistrate, Bishnupur, however, I direct that the Learned Additional Chief Judicial

Magistrate, Bishnupur to grant leave to the de facto complainant to treat the application under Section 156(3) of the Code of Criminal procedure as complaint under Section 200 of the Code of Criminal Procedure. The Learned Magistrate, thereafter, would record the statement of the de facto complainant, if required thereafter, the learned Magistrate would decide the course of action to be followed including passing of further orders under Section 156(3) of the Code of Criminal Procedure.

Record so submitted be kept with the record.

With the aforesaid observations, CRR 2446 of 2019 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

The petitioner is directed to appear before the Learned Additional Chief Judicial Magistrate, Bishnupur by April 29, 2022 when the Learned Magistrate would fix a date for complying with the directions as made above.

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

(Tirthankar Ghosh, J.)