

19.01. 2022
item No.18
n.b.
ct. no. 34

(via video conference)
CRR 2762 of 2019

Sabina Yasmin Laskar.
Vs.
The State of West Bengal & Ors.

Mr. Lakshminath Bhattacharya
.....for the Petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh,
.....for the State.

Mr. Abhisek Addhya,
Mr. Mukteswar Maity,
... for the O.P. nos. 7 & 8.

The petitioner is aggrieved by the order dated 15.3.2019 passed by the Learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 parganas wherein the Learned Magistrate was pleased to accept the report of the Investigating Officer as also the conclusion arrived at by him.

The report so submitted today by State reflects that some of the accused persons were discharged. Under the statute it was incumbent upon the court to inform the defacto complainant or the affected party at whose instance the case was initially registered for investigation and allow him/her to resist or endorse the view of the Investigating officer. Records reflect that no communication in writing was ever sent to the defacto complainant and as such no

opportunity was granted to the defacto complainant for taking legal steps if so advised.

Mr. Bhattacharjee, learned advocate appearing for the petitioner, who is the defacto complainant of the case submits that the petitioner intends to prefer an application under Section 173(8) of the Criminal Procedure Code but could not do the same as no intimation was received by her.

Having regard to the report, which has been submitted by the State, I find that plea was subsequently taken by the Investigating Agency that over phone, intimation was sent. However, no notice was ever sent to the defacto complainant intimating the outcome of the investigation, which has been mandated by the Supreme Court. In view of the aforesaid order the petitioner is granted liberty to prefer an application under Section 173(8) Criminal Procedure Code in accordance with law within a period of sixty days from date. The Learned Magistrate would dispose of the application under Section 173(8) of the Criminal Procedure Code in accordance with law.

With the aforesaid observations CRR 2762 of 2019 is disposed of.

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

Report submitted by the State be kept with record.

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

(Tirthankar Ghosh, J.)

