

18-09-2023  
Subha  
Item no. 95  
Ct no.34

*IN THE HIGH COURT AT CALCUTTA  
Criminal Revisional Jurisdiction*

**CRR 669 of 2023**

***Sushanta Datta @ Susanta Datta  
-versus-  
State of West Bengal & Anr.***

Mr. Krishnan Roy  
....for the petitioner.

Mr. Madhusudan Sur, Id. APP  
Mr. Dipankar Paramanick  
....for the State.

Petitioner is directed to serve a copy of the revisional application upon Mr. Madhusudan Sur, learned Additional Public Prosecutor, who ordinarily appears on behalf of the State. His appointment may be regularized by the concerned Authorities in due course.

Petitioner is de facto complainant who has been pursuing the litigation since the year 2010. The petitioner prayed for statements under Section 161 of the Code of Criminal Procedure, which was recorded during the investigation. By an exhaustive order dated 03-02-2023, the learned Judicial Magistrate, 2<sup>nd</sup> court, Alipore rejected the same with a cost of Rs.2000/-.

Having considered the same, I do not find any illegality in the order but after 13 years the de facto complainant obviously has expressed his frustration. He should not be saddled with a cost. Accordingly, the cost of Rs.2000/- so imposed is set aside. Let the arguments of the case, if the same has not been concluded, be

proceeded with in accordance with law.

With the aforesaid observations, the revisional application being CRR 669 of 2023 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

**[Tirthankar Ghosh, J]**