

D/L19
31.01.2023
Bpg.

C.R.R.656 of 2021

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

Dipali Bibi
Versus
State of West Bengal

Mr. Manas Kumar Das.
...for the petitioner.

Mr. Arijit Ganguly,
Mr. Santanu Deb Roy.
...for the State.

The petitioner is aggrieved by the steps taken by the Investigating Agency and in spite of charge-sheet being filed by the Investigating Agency against two of the accused persons, the petitioner has been filed an application under Section 173(8) of the Code of Criminal Procedure.

Mr. Arijit Ganguly, learned advocate appearing for the State submits a report.

Let the report be kept with the record.

Report reflects that the case is yet to be committed, the reasons for delay are not very encouraging.

Records reflect that on alternate day, one of the accused has been absent and as such, the case has not been committed, although the copy has been supplied to both the accused persons.

It is informed that the next date has been fixed for commitment on 5th July, 2023. On that date, if the case cannot be committed for absence of any of the accused person, in that case,

the learned Magistrate would cancel the bail and issue warrant of arrest.

So far as the grievance of the present petitioner is concerned, the application primarily is on an apprehension that more persons could have been involved in the offence. As there are no specific materials available with the petitioner, I direct that the petitioner would at the appropriate stage, if advised and required, prefer an application under Section 319 of the Code of Criminal Procedure which the learned trial court would dispose of in accordance with law.

Thus, CRR 656 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)