

18.05.2023

Item No.10
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 1430 of 2021

**Mrs. Neha Kumar
versus
The State of West Bengal & Anr.**

In Re: An Application under Section 482 of the Code of Criminal Procedure, 1973.

Mr. Debarshi Brahma,
Ms. Pooja Shukla ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Imran Ali,
Ms. Debjani Sahu ... For the State.

Mr. Mukherjee, learned Public Prosecutor submits that it has been inadvertent mistake on the part of the investigating agency for not incorporating the e-mails which were collected in course of investigation. The materials were there already collected in the case diary, but the same escaped the notice of the investigating officer when the series of documents relied upon in the report under Section 173 of the Code of Criminal Procedure was typed.

I have perused the case diary and I find that those materials were collected in course of investigation. If the same is inadvertent mistake, the investigating agency is entitled to an opportunity to file its report under Section 173(8) of the Code of Criminal Procedure.

Learned advocate appearing for the petitioner submits that the e-mails which have been referred to are of the year 2016 and the unfortunate incident took place in the year 2019.

Be that as it may, these are subjective issues relating to question of facts which are not gone into by this Court at this

stage. The investigating agency is granted three months' time within which such report under Section 173(8) of the Code of Criminal Procedure is to be filed before the jurisdictional court.

The D.C., D.D., Bidhannagar Police Commissionerate would supervise so that within the time schedule so fixed, further report under Section 173(8) of the Code of Criminal Procedure is filed before the jurisdictional court.

As such, no interference is made at this stage.

However, the learned advocate for the petitioner submits that there may be change of circumstances and the petitioner's right may be affected.

In view of such submission, I grant liberty to the petitioner to approach this Court after such report under Section 173(8) of the Code of Criminal Procedure is filed before the jurisdictional court.

With the aforesaid observations, the revisional application being CRR 1430 of 2021 is disposed of.

All pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)