

11-04-2023
ct no. 13
Sl.352
sp

WPA 11978 of 2021

Dipankar Ghosh

-Versus-

The State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee,
Ms. Moumita Pandit,
Ms. Pritha Sinha

....for the petitioner

Ms. Ipsita Banerjee

...for the State

The petitioner is aggrieved by investigation into an FIR being Krishnanagar GRPS Case No. 05/2020 dated September 21, 2020 under Section 302 of the IPC. The petitioner's brother was found dead at Bethuadahari Railway Station.

The Krishnanagar police have investigated the matter and have filed a report stating that the death was accidental. The details of the investigation have been set out in the affidavit-in-opposition.

This Court is of the view that the petitioner, instead of filing affidavit-in-reply before this Court, may file a comprehensive application under Section 173(8) of the Cr. P.C. before the Magistrate against the final report of the police.

In the event, such application is filed within a period of 15 days from date, the Magistrate shall

dispose of the same in accordance with law, within a period of 2 months thereafter, mandatorily and positively.

With the aforesaid observations, the instant writ petition shall stand disposed of.

Since no reply has been filed, the contentions of the State in the affidavit-in-opposition shall not be deemed to have been admitted by the petitioner.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)