

D/L22
13.02.2023
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C.R.R.2248 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure;

Sri Sambit Paul
Versus
The State of West Bengal and others

Mr. Nitai Ch. Saha,
Mr. Abhijit Ch. Majumder.
...for the petitioner.

Ms. Zareen Khan,
Ms. Sreeparna Das.
...for the State.

Mr. Pran Gopal Das.
...for the opposite party no.2.

Mr. Sujan Chatterjee.
...for the opposite party nos.9 and 10.

Ms. Puja Goswami.
...for the opposite party nos.7, 8 and 11.

Petitioner is aggrieved by the order dated 16th September, 2021 wherein the learned ACMM-II, Calcutta accepted the final report and rejected the Narazi petition dated 26.03.2021 filed on behalf of the de facto complainant.

The prayer which was advanced by the petitioner/de facto complainant was for further investigation.

The facts of the case go back to a matrimonial dispute/discord between the parties and the present petitioner initiated the instant case on the facts for which offences under Sections 341/323/506/379/34 of the Indian Penal Code was

registered for investigation. It has been observed by the learned ACMM-II, Calcutta that there has been a fair and impartial investigation. However, it has been complained by the present petitioner that his statement was not recorded and although Section 91 of the Criminal Procedure Code is reflected from the case diary but the same was not served upon him.

Mr. Chatterjee, learned advocate, appears on behalf of the opposite party nos.9 and 10.

Mr. Das, learned advocate, appears on behalf of the opposite party no.2.

Ms. Goswami, learned advocate, appears on behalf of the opposite party nos.7, 8 and 11.

Ms. Das, learned advocate, appears for the State and produces the case diary.

I have considered the submissions of either of the parties.

Having regard to the genesis of the facts and the nature of the dispute, I am of the opinion that it would be unwarranted to refer the matter again to the police authorities. However, the petitioner has expressed his desire to pursue the litigation. As such, liberty is granted to treat the protest petition which was filed before the court as a complaint under Section 200 of the Code of Criminal Procedure. Learned ACMM-II would examine the complainant and his witness and thereafter come to a finding as to whether any case for issuance of process has been made or the said application should be dropped.

With the aforesaid observations, CRR 2248 of 2021 is disposed of.

Pending 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 of all requisite formalities.

(Tirthankar Ghosh, J.)