

19-07-2023  
Subha  
Item no. 12  
Ct no.34

*IN THE HIGH COURT AT CALCUTTA*  
*Criminal Revisional Jurisdiction*

**CRR 2602 of 2023**

*Abanti Patra*  
**-versus-**  
*The State of West Bengal & Ors.*

Mr. Tapan Dutta Gupta  
Mr. Parvez Anam  
Ms. Nilanjana Sarkar  
Mr. Abhratanu Sarkar  
....for the petitioner.

Mr. Pravas Bhattacharya  
Mr. M. F.A Begg  
....for the State.

Learned advocate for the petitioner is directed to serve a copy of the revisional application upon Mr. Pravas Bhattacharya, learned advocate, who ordinarily appears before this court on behalf of the State. His appearance may be regularized by the concerned Authorities in due course.

Mr. Dutta Gupta, learned advocate appearing for the petitioner submits that three of the accused persons were discharged from the chargesheet and the de facto complainant/petitioner is aggrieved by such fact.

Learned advocate submits that no notice was received by them and the learned Magistrate took cognizance and accepted police report wherein three of the accused persons were discharged and their discharge was accepted by the court on 28<sup>th</sup> March, 2022.

Learned advocate submits that the same is given to the knowledge of the de facto complainant very lately and as such he is

not in a position to prefer application under Section 173(8) of the Code of Criminal Procedure.

Having considered the grievance expressed by the petitioner, I am of the view that the revisional application can be disposed of without any audience to the other parties. Petitioner is granted liberty to file an application under Section 173(8) of the Code of Criminal Procedure addressing his grievance regarding the complicity of the persons who have been discharged from the case. The learned Additional Chief Judicial Magistrate, Contai or the jurisdictional Magistrate who is in seisin of the matter would consider the same in accordance with law and dispose of the same preferably within a period of sixty days from the date of filing of the said application.

With the aforesaid observations, the present revisional application being CRR 2602 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]**

