

10.01.2023
S/L No.63
KS

C.R.R. 2300 of 2021
Md. Akbar Ali
-Vs.-
The State of West Bengal & Anr.

Mr. Dipayan Kundu
.....For the Petitioner
Mr. Ranabir Roychowdhury
Mr. Sandip Chakraborty
.....For the State

The revisional application has been preferred challenging the order dated July 19, 2021 passed by the Learned A.C.J.M., Sealdah.

Learned advocate appearing for the petitioner submits that without taking into account the fact that a case for investigation has been made out, the Learned Magistrate dismissed the prayer for investigation as was prayed in the application under Section 156(3) of the Code of Criminal Procedure.

Learned advocate appears on behalf of the State and supports the order passed by the Learned Magistrate, I have taken into account the contentions advanced in the revisional application as also the application under Section 156(3) of the Code of Criminal Procedure so preferred. The application under Section 156(3) of the Code of Criminal Procedure do not reflect that information was sent to the Officer-in-Charge of the jurisdictional police station as also the incident was informed to the superior officer of the police, prior to filing of the

application under Section 156(3) of the Code of Criminal Procedure. As the said two mandatory requirements have been left out and not complied with by the applicant/petitioner, I am of the view that there was no illegality in the order passed by the learned Magistrate, in view of the judgment of the Hon'ble Supreme Court in the case of *Lalita Kumari Vs. Government of Uttar Pradesh & Ors.* reported in (2014) 2 SCC 1 and in the case of *Priyanka Srivastava & Anr. Vs. State of Uttar Pradesh & Ors.* reported in (2015) 6 SCC 287.

The petitioner, if so advised and is apprehensive of the incident being repeated she would be at liberty to file a letter of complaint divulging her agony and/or offences if at all committed to the Officer in Charge of the jurisdictional police station. Thereafter, the petitioner would be at liberty to inform the superior office of the police and after compliance of the same, petitioner would be at liberty to take out an application under Section 156(3) of the Code of Criminal Procedure which the learned Magistrate would decide in accordance with law.

With the aforesaid observations, C.R.R. 2300 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)