

06.02.2023
S/L No.57
KS

C.R.R. 2522 of 2021
Sayada Bibi
-Vs.-
The State of West Bengal & Ors.

Mr. Baidurya Ghosal
Ms. Avipsha Dutta
..... For the Petitioner
Mr. Arijit Ganguly
Mr. Sandip Chakraborty
.....For the State
Mr. Tarak Nath Sarkar
.....For the O.P.

Petitioner is aggrieved by the fact that the her application under Section 156(3) of the Code of Criminal Procedure was dismissed and the learned Magistrate was pleased to register the application under Section 156(3) of the Code of Criminal Procedure as a complaint case and transferred the same to the Learned Judicial Magistrate, Ghatal.

Learned advocate appearing for the petitioner is unable to inform this Court regarding the present stage of the proceedings. A Supplementary Affidavit has been filed by the petitioner in respect of the complaint which was addressed to the Officer-in-Charge, Daspur Police Station as also the complaint which was instituted with the Superintendent of Police, West Medinipur.

Be that as it may, having regard to the nature of the offences complained of, I direct that in case process has not been issued in the present case and the same is pending for enquiry, in that case, if the learned Magistrate feels fit and proper to unearth the truth, the learned Magistrate

would exercise his powers of investigation within the ambit of Section 202 of the Code of Criminal Procedure. Needless to state that the Court would act on the report of the police authorities, however, it is the exclusive domain of the learned Judicial Magistrate to ascertain regarding the truth of the incident for the purposes of deciding whether the process should be issued under Section 204 of the Code of Criminal Procedure or to dismiss the complaint under Section 203 of the Code of Criminal Procedure.

With the aforesaid observations, C.R.R. 2522 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.)