

**WPA 23576 of 2023**

Soumen Sharma

-vs-

The State of West Bengal & ors.

Mr. Sandipan Maity

...for the petitioner

Mr. Amartya Pal

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, no one appears on behalf of the private respondent.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the husband of the respondent no.5. A phone call was made by a police officer of the Bally Police Station asking the petitioner to meet him at the police station. It appears that the same pertains to any possible complaint made by the private respondent. The petitioner prayed for supply of a copy of the complaint but the same was not given.

Learned counsel appearing on behalf of the State submits as follows. The private respondent had lodged an FIR against the petitioner being Bally Police Station Case No. 116/23 dated 02.09.2023 under Sections 498A, 323, 325, 406, 509 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. A notice under Section

41A of the Code of Criminal Procedure was issued to the petitioner. Yet, he has not complied with the same.

It appears that the petitioner has not been able to obtain a copy of the First Information Report.

Let Investigating Officer send a copy of the First Information Report to the petitioner within this week.

The notice issued under Section 41A of the Code is set aside.

However, the Investigating Officer shall be at liberty to issue a fresh notice under Section 41A of the Code of Criminal Procedure after ensuring service of copy of the FIR as directed.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Jay Sengupta, J.)**