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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 1054 of 2023

Smt. Namita Barman
-versus
The State of West Bengal & Ors.

Mr. Arijit Ghosh
... For the petitioner

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

Learned counsel appearing on behalf of the petitioner submits that there was gross police in action, in as much as, a provision of the Information Technology Act which was imputed by the petitioner was not incorporated in the First Information Report although specific direction was given by the learned Magistrate under Section 156 (3) of the Code to register a FIR on all the sections.

Learned counsel appearing on behalf of the State submits as follows. Learned Magistrate had only directed registration of an FIR. However, investigation is going on and a report in final form be submitted very soon. In fact, in another case started by the petitioner, charge sheet has already been submitted.

Report filed on behalf of the State is taken on record.

Once an order is passed under Section 156 (3) of the Code, the recording officer has no option, but to include all the sections mentioned in the complaint, if not specifically excluded by the learned Magistrate. It is only after investigation into the allegations that a provision can be excluded, if at all.

Regardless of any impropriety in registering and the First Information Report, the Investigating Agency can fairly investigate into all the allegations made by the petitioner in accordance with law and file a report in final form.

At this stage, an alteration of the sections in the FIR may cause further delay.

Let an Inspector of police further investigate into all the offences alleged in the petition of complaint in accordance with law and after taking all aspects into consideration, file a report in final form as expeditiously as possible. The investigation shall be done under the supervision of the Superintendent of Police, Coochbehar.

The writ petition is, accordingly, disposed of.

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

(Jay Sengupta, J.)