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09.12.2024
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ct.no.35

W.P.A.474 of 2023

**Malti Devi Jaiswal
Versus
The State of West Bengal & Ors.**

Mr. Pawan Kr. Gupta
Ms. Sofia Nesar
Mr. Santanu Sett.
...for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal.
...for the State-respondents.

Mr. Srijib Chakraborty
Mr. Subhasis Chakraborty
Mr. Amit Chowdhury.
...for the respondent no.4.

Petitioner approached this Court for registration of FIR. Subsequently, I find that the police authorities have already proceeded with the investigation and submitted charge-sheet before the learned CJM, Howrah. Petitioner is now aggrieved by the fact that the accused person/private respondent no.4 is sitting in the property without having any title.

Learned advocate for the State has produced the case diary.

I have perused the materials collected by the investigating agency.

Learned advocate for the private respondent no.4 submits that he has paid a sum of Rs.5,00,000/- and for three months a sum of

Rs.17,000/- each but admittedly did not pay rest of the amount which was promised at the time of entering into the agreement.

It has been contended on behalf of the petitioner that admittedly petitioner cannot claim title over the property.

I do not find from the records of the case that the respondent is in a position at this stage to produce any documents except to the limited extent of being in possession of the property.

Be that as it may, police authorities have already submitted charge-sheet before the jurisdictional court. If the present petitioner being the de facto complainant is aggrieved by any act or action of the police authorities he would prefer an application under Section 173(8) of the Code of Criminal Procedure before the jurisdictional court.

With the aforesaid observations, WPA 474 of 2023 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

Case diary be returned to the learned advocate appearing on behalf of the State.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)