

07-02-2024  
Subha  
Item no. 211  
Ct no.34

*IN THE HIGH COURT AT CALCUTTA*  
*Criminal Revisional Jurisdiction*

**CRR 179 of 2024**

*Anjumina Khatun*  
**-versus-**  
*The State of West Bengal*

Mr. Nirmalendu Bera  
Mr. Gora Chand Samanta  
....for the petitioner.

Mrs. Faria Hossain  
Ms. Sayanti Santra  
...for the State.

Affidavit of service so filed be kept with the record.

Petitioner being the de facto complainant is aggrieved by the factum of not getting opportunity of filing an application under Section 173(8) of the Code of Criminal Procedure in connection with Baruipur P. S. Case No. 1769 of 2018 dated 21-09-2018 .

Learned advocate for the State has submitted the case diary and submitted the case diary and supported the case of the prosecution. However, having regard to the right of the accused to file a protest petition and there was lapse on the part of the learned advocate I am of the view that the petitioner should be granted an opportunity. Accordingly, if the petitioner within a period of 30 days from date prefers an application under Section 173(8) of the Code of Criminal Procedure, learned Magistrate will hear the State and the de facto complainant and thereafter exercise his discretion and pass order in accordance with law.

Needless to state that this court has not gone into the

merits of the case but only allowed the petitioner/de facto complainant to exercise his rights. .

With the aforesaid observations, the revisional application being 179 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

**[Tirthankar Ghosh, J]**