

06.08.2024

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**CRR 191 of 2023
(CRAN 5 of 2024)**

In Re: Mira Maity

... Petitioner.

Mr. Kaushik Chaudhury

Busra Khatoon

.... For the Petitioner

Mr. P. K. Datta

Mr. Sandipan Das

... For the State

Mr. Debabrata Mobdal

Mr. Sandipan Das

... For the Opposite Party no. 2

By consent of the parties the revisional application is taken up for consideration along with CRAN 5 of 2024.

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

The petitioner has assailed the orders passed by the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas in G. R. Case no. 6703 of 2022 on 13th December, 2022 and 28th December, 2022 whereby the learned trial Court has accepted the final report submitted by the investigating officer and directed initiation of proceeding under Sections 182/211 of the Indian Penal Code against the petitioner/*de facto* complainant.

It appears from the report submitted on behalf of the State that the investigating officer claims to have verbally informed the *de facto* complainant about the result of the investigation.

Admittedly no notice was issued upon the *de facto* complainant/petitioner upon submission of final report by the investigating officer and the *de facto* complainant has filed a *naraji* application before the learned trial Court which is pending.

In view of the above, this Court is inclined to hold that since the final report was accepted without service of notice upon the *de facto* complainant and without granting him opportunity to rebut the same, such acceptance is *de hors* the law and is required to be set aside.

As a consequence, the proceeding initiated against the petitioner under Sections 182/211 of the code is required to be quashed.

The revisional application being CRR 191 of 2023 is allowed.

The orders impugned dated 13th December, 2022 and 28th December, 2022 passed by the learned trial Court are set aside/quashed.

Learned trial Court is directed to consider and dispose of the *naraji* application filed by the petitioner/*de facto* complainant upon granting him an opportunity of hearing within one month from the next date of hearing fixed before him, in accordance with law.

Consequently, CRAN 5 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)