

48.
01.10.2024
Bd.

CRR 793 of 2022

Sri Amitava De Bhowmick
-vs-
The State of West Bengal & Anr.

Mr. Pawan Kumar Gupta
Mr. Abhimanyu Banerjee
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Anirban Basakfor the petitioner.

Mr. Amita Gaur
Ms. Manasi Roy ... for the State.

The petitioner herein as defacto-complainant initiated a proceeding being G.R. Case No. 303 of 2018 which was pending before learned Additional Chief Judicial Magistrate-II, Calcutta. After completion of investigation police submitted final report in the nature of FRT with the opinion that the dispute is civil in nature.

The main grievance ventilated by the petitioner is that without serving notice and relevant papers to the petitioner the investigating agency has submitted aforesaid final report for which he could not file any protest petition if it was required to be filed.

Accordingly, petitioner preferred a revisional application before this Court being CRR 1612 of 2021 and while disposing the said application this Court directed the petitioner to appear before learned Magistrate and learned Magistrate was directed to supply the documents that were

relied by the prosecution while submitting final report in the form of FRT.

After receipt of the said order passed by this Court learned Magistrate by an order dated 25th November, 2021 observed that the defacto-complainant is entitled to get the copies of the statements of the witnesses as recorded under section 161 Cr.P.C. Copy of seizure list, if any, and any other document as collected by the Investigating Officer during investigation in support of report and accordingly fixed a date for supply of the copies to the defacto-complainant but thereafter it appears that the documents which were directed to be supplied were not allegedly supplied to the petitioner herein.

Petitioner being aggrieved, preferred the present application with an innocuous prayer that the documents which were collected by the investigating agency during investigation in support of final report in the form of FRT, may be directed to be supplied to him.

This Court by an order dated 17th September, 2024 directed the Investigating Officer to submit a report along with materials collected during investigation and today Investigating Officer has submitted a report along with a copy of documents relied by the prosecution agency in support of submission of final report.

Department is directed to serve a copy of report dated 28.09.2024 along with annexed documents furnished by the

Investigating Officer today, to the petitioner. The original report dated 28.09.2024 along with annexed copies of document, filed today be kept with the record.

CRR 793 of 2022 is accordingly disposed of.

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

(Ajoy Kumar Mukherjee, J.)