

08-07-2024
Item No.22
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.10563 of 2024
Sri Umesh Malpani & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Rishav Singh
Mr. Sagar Miashra
Ms. Khushi Gupta
Mr. Soumalya Dutta ...for the petitioners

Mr. Susovan Sengupta, AGP
Mr. Sanatan Panja ...for the State

The petitioners are aggrieved by the manner in which the proceeding pertaining to Hare Street PS Case No.274 dated December 21, 2021 is being proceeded with.

Today, learned advocate representing the State relies upon the instructions forwarded by the Officer-in-Charge, Hare Street police station signed on July 7, 2024 which mentions that the aforesaid case was recorded on the basis of a complaint made by the petitioners, and that after completion of investigation, report in final form has already been submitted before the learned Chief Metropolitan Magistrate, Calcutta declaring the case as Mistake of Fact vide No.43/29 dated April 9, 2024.

It has been averred in the supplementary affidavit filed by the petitioners that there are several flaws in the investigation.

As it appears the process of investigation is

already over and report in final form has been tendered before the learned trial court, accordingly, it will be open for the petitioners to approach the learned trial court with all the grievances that have been mentioned in the supplementary affidavit for further relief.

Learned trial court is directed to pass necessary order on the points that have been raised by the petitioners in their supplementary affidavit.

The writ petition is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]