

19.03.2024

Sl. No.: 47

Court No.30
BM

CRR 2209 of 2022

Geeta Bahri

Vs.

The State of West Bengal & Ors.

Mr. Anirban Dutta
Mr. Nilay Sengupta
Mr. Sujit Banerjee
Mr. Subhajit Manna

... for the petitioner

Ms. Puspita Saha

... for the State

Mr. Arnab Chatterjee
Mr. Dhanasree Biswas
Ms. Poulami Bose

... for the opposite parties

Heard learned counsel for the petitioner, the opposite parties.

As the learned counsels for the State are not present.
Accordingly, Ms. Puspita Saha, learned empanelled Advocate of the
State present in court is appointed to represent the State.

Learned Public Prosecutor is requested to regularise her
appointment.

The present revision is preferred against the order dated 15th
June, 2022 passed by the learned Additional Chief Judicial
Magistrate, Sealdah, in GR Case No.3240 of 2020 arising out of
Beliaghata P.S Case No.258 dated 28.12.2020 under Sections
448/380/427 of the IPC.

It appears from the order under revision that report in final
form was submitted before the learned Magistrate on 15.06.2022
and the case had ended in FRT being mistake of fact for want of
sufficient evidence.

Learned Magistrate has noted that the result of investigation
has already been intimated to the defacto complainant by e-mail but

the defacto complainant took no steps and as such report in final form is accepted.

It appears that e-mail was sent to the complainant on 15.06.2022 at around 12 noon.

A copy of the said mail is at page 46 of the revisional application.

The Magistrate on the self same day without giving an opportunity to the defacto complainant to file a Naraji application accepted the FRT. It appears that a grave injustice has been caused prima facie to the complainant.

Learned counsel for the petitioner has relied upon the judgement of the Hon'ble Supreme Court in Bhagwan Singh vs. Commissioner of Police & Anr. reported in 1985(2) SCC 537.

Considering the said order under revision and the materials on record, this court finds that the order is clearly not in accordance with law and in the interest of justice the said order is liable to be set aside.

The revisional application is accordingly allowed.

The order dated 15th June, 2022 passed by the learned Additional Chief Judicial Magistrate, Sealdah, in GR Case No.3240 of 2020 arising out of Beliaghata P.S Case No.258 dated 28.12.2020 under Sections 448/380/427 of the IPC is accordingly set aside.

The defacto complainant is granted liberty to file his Naraji application before the trial court within 15 days from the date of this order and the learned Magistrate will consider the Naraji application in accordance with law and proceed accordingly.

The Criminal revision is accordingly stands disposed of

Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.

Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)