

03.10.2024

Item No.7

Ct. No.35

dc.

W.P.A. 19461 of 2024

**Emili Mardi
versus
The State of West Bengal & Ors.**

Mr. Sayan Banerjee,
Ms. Suparna Dutta ... For the Petitioner.

Mr. Suman Ghosh,
Ms. Munmun Tewari ... For the State.

Status Report dated 01.10.2024 submitted by the learned advocate appearing for the State be kept with the record.

Learned advocate for the State has also produced the case diary.

I find that charge-sheet was submitted in this case under Sections 448/323/307/506 of the Indian Penal Code. The said report reflects that initially charge-sheet was submitted praying for issuance of warrant of arrest, proclamation and attachment, but subsequently the accused Binoy Hansda surrendered before the learned ACJM, Rampurhat on 06.08.2024. He was taken into custody and remanded to jail custody. The accused was in custody till 20.08.2024 when he was granted bail by the learned Additional Sessions Judge, Rampurhat, Birbhum.

Learned advocate appearing for the petitioner submits that the petitioner has informed the concerned police station regarding her grievance

both relating to threat and certain documents not being collected.

As the charge-sheet was submitted on 30.06.2024, at this stage, it would be not fit and proper for this Court to consider the documents which are in custody of the present petitioner who happens to be the *de facto* complainant of the present case. The petitioner is granted liberty to enclose all the documents relating to the medical certificates and/or operation which was carried out at a nursing home consequent to discharge from the government hospital.

The learned ACJM, Rampurhat would consider the application under Section 173(8) of the Code of Criminal Procedure/Section 193(9) of the BNSS, 2023, if filed at the instance of the petitioner, enclosing all the documents.

Needless to state that charge-sheet has already been submitted under Section 307 of the Indian Penal Code and the offences complained of are injuries inflicted upon the person of an individual.

The learned ACJM, Rampurhat will assess relating to the requirements of medical documents in the background of the case and pass necessary order upon the investigating agency. If such an application is preferred, within a fortnight, the

same may be disposed of by the learned ACJM, Rampurhat.

An apprehension has been expressed by the learned advocate for the petitioner since one of his contentions is that the accused has been threatening the *de facto* complainant.

The police authorities will under the Witness Protection Scheme give protection to the complainant who is obviously an injured witness in connection with Rampurhat P.S. Case No. 177/2024 dated 24.05.2024.

Case diary be returned to the learned advocate appearing for the State.

With the aforesaid observations, the writ petition being WPA 19461 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)