

Sl.No.

8

19.11.2024

Court

No. 35

G.S.Das

WPA 23344 of 2024

Anarul Malithya

-Vs-

The State of West Bengal & Ors.

Mr. Manas Kumar Das

...for the petitioner

Mr. Suman Ghosh

Mr. Sankha Prasad Roy

... for the State - respondents

Pursuant to the earlier directions,

State has produced the Case Diary.

I have perused the statements made under Section 164 of the Cr.P.C./Section 183 of BNSS.

Prima facie, it appears that efforts were put in by the Investigating Officer to unearth the truth. However, the learned advocate appearing for the petitioner insisted that further complaint was made against the persons which was dated 17.08.2024 and was addressed to the

SDPO, Tehatta. Few other names are appearing, whom the defacto-complainant suspects may be involved with the murder/death of his brother.

In view of the circumstances which have been explained on behalf of the State both by way of producing the Case Diary as well as the Memorandum of Evidence, I am, *prima facie*, of the view that as investigation has been completed and charge-sheet has been submitted, the petitioner would be at liberty to approach the jurisdictional court with his grievance(s) under Section 193(9) of BNSS.

If required, the learned jurisdictional court will supply the copies on which the prosecution proposes to rely to the petitioner/defacto-complainant, so that the defacto-complainant can understand and advance his prayer before the

jurisdictional court.

With the aforesaid observations,
WPA 23344 of 2024 is **disposed of**.

Memorandum of Evidence so filed
be kept with the record. Let a copy of
the Memorandum of Evidence be handed
over to the learned advocate appearing on
behalf of the petitioner.

Case Diary be returned to the
learned advocate for the State.

Parties to act on a server copy
of this order duly collected from the
official website of the Hon'ble High Court,
Calcutta.

(Tirthankar Ghosh, J.)