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20.11.2024
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ct.no.35

W.P.A.25486 of 2024

**Tapan Kumar Mondal
Versus
The State of West Bengal & Ors.**

Mr. Jayanta Narayan Chatterjee
Mr. Sirsendu Sinha Roy
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Ritushree Banerjee
Ms. Pritha Sinha
Mr. Bhaskar Mondal
...for the petitioner.

Mr. K.J. Yusuf
Ms. Munmun Ganguly.
...for the State-respondents.

Affidavit of service filed by the petitioner be kept with the record.

Petitioner has drawn the attention of the Court to the earlier order passed in WPA 2364 of 2024 wherein the co-ordinate Bench of this Court was pleased to direct that before submission of the report in final form, the investigating authority would record the statement of the victim under Section 164 of the Code of Criminal Procedure.

The case diary has been handed over by the learned Additional Government Pleader which reflects that the statement under Section 164 of the Code of Criminal Procedure was recorded on 11th March, 2024 by the learned Judicial Magistrate, 1st Court,

Tamluk, Purba Medinipur in connection with Tamluk P.S. Case No.87 of 2024 dated 01.02.2024. The police authorities thereafter on conclusion of investigation submitted their report under Section 173 of the Code of Criminal Procedure, thereby discharging all the accused persons and it is contended in the report that the complainant has been duly informed about the result of the investigation of the case.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that till date he has not received any notice to ventilate his grievance before the jurisdictional court.

Petitioner is granted liberty to file an application under Section 173(8) of the Code of Criminal Procedure. If such application is filed, learned Magistrate would peruse the materials and thereafter exercise his discretion in accordance with law.

Petitioner claims that he has complained against the public servants for his act and action. The same is a separate cause of action. If the petitioner intends to prefer any application under Section 175(4) of the BNSS, in such circumstances, the learned Magistrate would consider the compliances required under the law and exercise his own discretion.

With the aforesaid observations, WPA 25486 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted by the learned advocate appearing for the State be kept with the record.

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

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

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

(Tirthankar Ghosh, J.)