

15.07.2025
Court No. 35
M/L. No.760
Rakib

W.P.A. 1287 of 2024

Kanchan Das & Anr.
VS
The State of West Bengal & Ors.

Mr. Sayan De,
Mr. Kaustav Shome,
Ms. Esha Acharya.
...for the Petitioners.
Mr. Amal Kumar Sen, AGP.
Mr. Jaladhi Das.
...for the State.

Affidavit-of-service filed by the petitioners be kept
with the record.

Petitioners are aggrieved by the fact that the police
authorities after investigation in connection with
Ranaghat Police Station case no. 744/23 dated
19.11.2023 which was registered for investigation under
Sections 498(A)/302 of the Indian Penal Code submitted
their report under Section 173 of the Cr.P.C. as mistake
of fact. It has been submitted by the petitioners that the
learned Magistrate also accepted such report and the case
was closed. However, the petitioner having no knowledge
could not appear and ventilate her/their grievance under
the relevant provisions of Section 173(8) of the Cr.P.C.

Mr. Sen, learned Additional Government Pleader
has submitted a report. Report reflects certain statements
under Section 161 of the Cr.P.C. as well as a statement
under Section 164 of the Cr.P.C. However, Case Diary
presumably would contain the opinion of experts.

Having considered the same a second opportunity must be granted to the de-facto complainant who has set the criminal law into motion. Accordingly, I direct that, if any order has been passed accepting the report in final form by the learned Magistrate, the same be set aside. If the petitioner approaches the learned Magistrate under Section 173(8) of the Cr.P.C., learned Magistrate would notify the State, perused the Case Diary regarding the medical documents available along with if any corroborative materials appearing in the Case Diary and thereafter freshly take a decision whether any necessary orders are being passed or not which may either call for further investigation or would require the case to be closed.

With the aforesaid observations WPA 1287 of 2024 is disposed of.

Needless to state that this Court has not entered into the merits of the case and the learned Magistrate would independently take his decision being uninfluenced by any observations made by this Court.

Report so submitted by the State be kept with the record.

Copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)