

01.05.2025
Court No. 35
Item No.217
Rakib

W.P.A. 8274 of 2025

Sharmistha Santra.
VS
The State of West Bengal & Ors.

Mr. Soumajit Das Mahapatra,
Mr. Supriyo. Das,
Mr. Aman Baid,
Mr. Ritwik Maji.

... for the Petitioner.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder.

...for respondent nos. 5,6&7.

Mr. Rajarshi Basu,
Mr. Saptarshi Guha.

...for State.

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

Petitioner is aggrieved by the fact that although
certain persons were discharged in the charge-sheet, no
notice was served upon the petitioner who has set the law
into motion and as such the petitioner had to suffer the
inconveniences of an incomplete investigation having
been done in connection with the case under Section 302
of the Indian Penal Code.

Learned advocate for the State submits that in the
FIR only two persons have been named and the charge-
sheet has been submitted against those two accused
persons only.

However, it has been pointed out on behalf of the
petitioner that certain persons have been named in the
statement under Section 164 of the Code of Criminal

Procedure and the police authorities did not act or investigate in respect of the persons who have been named in the statement so made before the learned Judicial Magistrate.

Learned advocate for the private respondent nos. 5, 6 and 7 submit that the petitioner was well aware and as such an application was filed before the learned Magistrate in connection with the instant case wherein there was a prayer for speedy trial. As such according to the private respondents the petitioner was well aware regarding the process and stage of the case before the learned jurisdictional Court. The contention that no notice was served or the petitioner did not have any information so far as the submissions of charge-sheet is concerned, thus according to the respondents are not acceptable in the factual background of the accused.

Be that as it may, since the petitioner has set the law into motion and is aggrieved by the fact of the investigation being improper and on the other hand they have also grievance that the trial not progressing, I am of the view that the petitioner cannot approbate and/or reprobate in the circumstances so complained.

There are statutory provisions which can be invoked by the de facto complainant at every stage of the case, prima facie it reflects that the de facto complainant petitioner was well aware that charge-sheet having been

submitted. Consequently, the de facto complainant would be at liberty at the appropriate stage to invoke the provisions of Section 319 of the Code of Criminal Procedure.

At this stage I did not find that there is any scope to interfere with the progress of the case, however, steps be taken for committal of the present proceedings before the appropriate Sessions Court.

With the aforesaid observations WPA 8274 of 2025 is disposed of.

Certified copy filed on behalf of the private respondents be kept with the record.

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.)