

23.05.2025
Item No.16
Ct. No.35
dc.

W.P.A. 10708 of 2025

XXX XX XXX
versus
The State of West Bengal & Ors.

Mr. Shataroop Purkayastha,
Ms. Jagriti Bhattacharya,
Mr. Abhishek Chakraborty ... For the Petitioner.

Mr. Ayan Banerjee,
Mr. Amrita Lal Chatterjee ... For the State.

Report submitted by the learned advocate appearing for the State be kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is a *de facto* complainant who is aggrieved by the fact that the police authorities were pursued and thereafter they registered Nadial Police Station Case No. 208 dated 31.12.2024 under the relevant provisions of BNS, 2023 read with Sections 10/17 of POCSO Act. Petitioner insists that there are certain video footages which are in her custody which the investigating officer did not collect even after repeated persuasion.

State has submitted a report which reflects that investigation of the case has been concluded declaring the same to be Mistake of Fact.

Learned appearing for the petitioner submits that no notice was issued to the petitioner even after the final report was submitted before the learned Special Court.

Having considered that the petitioner has set the law into motion and is a *de facto* complainant of the case, petitioner is entitled to receive a notice under the settled provisions of law. Accordingly, the petitioner would approach the learned Special Court with an application for further investigation, if so advised. The learned Special Court will consider the agony, anxiety and contentions of the petitioner as well as the materials which are in her possession and thereafter dispose of the same in accordance with law within a period of thirty days from the date of filing of the application.

With the aforesaid observations, the writ petition being WPA 10708 of 2025 is disposed of.

There will 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.)