

17.07.2025

Court No. 35

D/L. No.78

Rakib

W.P.A. 14222 of 2025

Smt. Chotton Roy

VS

The State of West Bengal & Ors.

Mr. Partha Sarathi Das

Mr. Md. Hafiz Ali

Ms. Shanta Sarkar

Mr. Umar Sadhique

...for the Petitioner.

Ms. Parna Roy Choudhury,

Mr. Supriya Majumder

...for the State.

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

Learned advocate appearing for the petitioner is aggrieved by the fact that in spite of Berhampore Police Station case no. 141/2023 having commenced but the finality of the same has not yet reached because of the manner in which the investigation has been carried out at the behest of the police authorities.

On the other hand State has submitted a report. Report reflects that the investigating officer on or about 14.06.2025 has submitted its report under Section 173(8) of the Cr.P.C. as mistake of fact and prayed for discharge of the FIR named accused persons.

In case no notice has been served pursuant to such final report having been submitted before the Jurisdictional Court, the police authorities would serve notice upon the present petitioner/de-facto complainant

so that appropriate steps may be taken by the petitioner before the jurisdictional Court.

In the alternative, if the petitioner approaches the jurisdictional Court with a prayer under Section 173(8) of the Cr.P.C., the learned jurisdictional Court by issuing notice to the State would within a period of 45 days of filing of such application dispose the prayer of the petitioner.

With the aforesaid observations WPA 14222 of 2025 is disposed of.

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.)