

D/L 413
15.07.2025
ct.no.35
Kausik

W.P.A. 14996 of 2025

**Karabi Dutta
Versus
State of West Bengal & Ors.**

Mr. Dipanjan Dutt
Mr. Soumodip Ghosh

...for the petitioner.

Mr. Kishore Datta, Ld. AG
Ms. Sumita Shaw
Mr. Akash Dutta

...for the State.

Petitioner approached this Court being dissatisfied with the investigation of Chandannagar Police Station Case No. 215/2024 dated 15.11.2024. However, in course of hearing of the present writ petition Mr. Akash Dutta, learned advocate appearing on behalf of the State submitted a report of the Inspector-in-Charge, Chandannagar Police Station which reflects that charge sheet has been submitted under Section 108 BNS against one Arkajyoti Karmakar @ Tutul. The report also reflects that three of the accused persons named in the FIR named (1) Pranoy Banerjee @ Pranab @ Pranabananda Bandyapadhyay, (2) Anirban Ghosh and (3) Debasish Shee has been discharged from the case for want of evidence.

Mr. Dipanjan Dutt, learned advocate appearing for the petitioner emphasises that there has been clear case of abetment so far as the discharged accused persons are concerned. However, the police authorities in a designed manner have discharged the said accused persons. The same is controverted by the learned advocate appearing on behalf of the State.

As the statutory provisions under section 193(9) of the BNSS provides remedy to the defacto complainant/victim to take out an appropriate application, in case there is a grievance in respect of the subject matter of the investigation and it is incumbent also that if FIR named accused is discharged, the defacto complainant who has set the criminal law into motion is to be notified.

I direct the State that in case such a notice has till date not been issued, the same be immediately issued to the defacto complainant so that in accordance with law the defacto complainant can take steps before the learned ACJM, Chandannagar who is in seisin of Chandannagar Police Station Case No. 215/2024.

In case, such an application is preferred, learned ACJM, Chandannagar will dispose of the

same within a period of 45 days of filing of such application.

It is further directed that in view of Section 230 of the BNSS if the defacto complainant prays for supply of documents which has been relied upon by the State while submitting its report under Section 193 BNSS, in that case, learned Magistrate would direct the State to hand over the copies to the defacto complainant before such an application under Section 193(9) of the BNSS is preferred at the behest of the defacto complainant.

With the aforesaid observations WPA 14996 of 2025 is disposed of.

Report so submitted be kept with the record.

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

(Tirthankar Ghosh, J.)