

D/L 130
26.03.2025
Bpg.
ct.no.35

W.P.A.20829 of 2024

**Ujjala Saha
Versus
The State of West Bengal & Ors.**

Mr. Uttiya Ray
Mr. S.S. Imam.
...for the petitioner.

Mr. Swapan Banerjee
Mr. Subrata Dasgupta.
...for the State-respondents.

Mr. Soumik Ganguli.
...for the respondent no.4 & 7.

Petitioner is aggrieved by the findings of the investigating officer of the case particularly with regard to the fact that in spite of certain FIR named persons having been named in the statement under Section 164 of the Code of Criminal Procedure, the investigating officer chose to drop their names at the time of submission of the charge-sheet. Petitioner has very recently been served with a notice under Section 91 of the Cr.P.C. by the investigating officer of the case. It has also been submitted that presently no information has been furnished as to whether any application under Section 173(8) of the Code of Criminal Procedure has been preferred before the jurisdictional court.

In case the petitioner is aggrieved, petitioner will furnish such application before the learned Magistrate. Learned Magistrate will dispose of the same preferably within a period of 30 days of filing of such application. Petitioner would be at liberty to point before the learned Magistrate at the time of consideration of application regarding the earlier orders passed by the court as well as the documents/statements where the name of the discharged accused persons are appearing. Learned Magistrate will dispose of the application under Section 173(8) of Cr.P.C. in accordance with law.

Report submitted by the State be kept with the record.

Mr. Ganguli, learned advocate appearing for the respondent nos.4 and 7 submits that the persons who have been implicated in this case and against whom accusations are being brought in before this Court have suffered grievous injuries and in order to settle scores they are being attempted to be falsely implicated in connection with the instant case.

With the aforesaid observations, WPA 20829 of 2024 is disposed of.

There will be no order as to costs.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)