

D/L 21
28.01.2025
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ct.no.35

W.P.A.21606 of 2024

**Rofikul Islam
Versus
The State of West Bengal & Ors.**

Mr. Kingsuk Mondal.
...for the petitioner.

Mr. Somnath Ganguli
Ms. Kalpita Paul.
...for the State-respondents.

The earlier order passed by a co-ordinate Bench reflects that State was to submit a further report explaining the injury which has been referred to.

Learned advocate for the State has submitted a report and drawn the attention of the Court to the post-mortem report which reflects regarding the injury which was referred to in the earlier order from the photograph so enclosed and which has been specifically mentioned in the report of autopsy surgeon conducting post-mortem. In the meantime, the Investigating Agency on conclusion of investigation has already submitted charge-sheet.

The grievance of the petitioner now is that some of the accused persons have been left out and

the police authorities have diluted the case by not recording statement of some the witnesses concerned.

In view of the charge-sheet having been submitted and grievance still persisting of the de facto complainant, I direct that if the petitioner has already preferred an application under Section 173(8) of the Cr.P.C. by not referring to the documents collected by the Investigating Agency in course of the investigation, he would be at liberty to pray for such documents on which the prosecution proposes to rely. Learned Magistrate would hand over the documents, if required, a supplementary application to the 173(8) of Cr.P.C. application already filed be preferred by the petitioner within a period of 30 days from the date of receipt of the documents. Learned Magistrate would dispose of the application under Section 173(8) of Cr.P.C. along with the supplementary application preferably within a fortnight after the supplementary application is filed at the behest of the petitioner.

With the aforesaid observations, WPA 21606 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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.)