

13.01.2025
Item No.31
Ct. No.35
dc.

W.P.A. 23326 of 2024

**Ajay Nath
versus
The State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas ... For the Petitioner.

Mr. Amitesh Banerjee, Sr. Standing Counsel,
Mr. Debangshu Dinda ... For the State.

Mr. Rajdeep Mazumder, Id. DSGI,
Mr. Moyukh Mukherjee
... For the Respondent Nos. 2 & 3.

Mr. Anuran Samanta
... For the Respondent Nos. 9 & 10.

Mr. B. K. Singh,
Mr. Barun Ghosh ... For the Respondent Nos. 15 & 16.

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 said report reflects that the investigating agency after verification of the documents has found the Aadhar Card, Voter ID Card, PAN Card and Ration Cards were issued by the concerned Government Authorities as per online portal. As such, the investigating authorities had no other option except to submit a final report in connection with Eco Park Police Station Case No. 287/2023 dated 01.12.2023. The final conclusion of the investigating agency was Mistake of Fact.

Since the report under Section 173 of the Code of Criminal Procedure has been submitted

before the jurisdictional court as Mistake of Fact, the petitioner who complained would be entitled to ventilate his grievance after obtaining the documents by way of an appropriate application from the jurisdictional court and prefer an application under Section 173(8) of the Code of Criminal Procedure, if so advised.

The jurisdictional court on assessment of the application would decide the same in accordance with law.

With the aforesaid observations, the writ petition being WPA 23326 of 2024 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.)