

D/L 127
11.03.2025
Kausik
ct.no.35

W.P.A. 23502 of 2024

**Md. Ser Alam
Versus
State of West Bengal & Ors.**

Mr. Mukteswar Maity
Ms. Manika Sarkar
Ms. Nupur Chaudhuri

...for the petitioner.

Mr. Yusuf Ali Dewan
Mr. Asif Dewan

...for the respondent nos. 5 to 10.

Mr. Vimal Kumar Shahi, AGP
Ms. Sangeeta Roy

...for the state.

Affidavit of exception to the report submitted on behalf of the respondent no. 4 be kept with the record.

State has submitted a report dated 09.03.2025 which reflects that final report as mistake of fact has been filed in connection with Sagardighi PS Case No. 416/24 dated 12.09.2024.

In view of the final report having been submitted before the jurisdictional court, petitioner is granted liberty to file an application under section 193 (9) of the BNSS.

Learned Magistrate will consider the same in accordance with law and dispose it of preferably

within a period of 60 days from the date of filing of such application.

At this stage since no case exists before the learned Magistrate, no interference can be made in respect of the prayers advanced. Petitioner would be at liberty to approach at a subsequent stage if the situation so demand.

With the aforesaid observations WPA 23502 of 2024 is disposed of.

Report so submitted be kept with the record.

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.

(Tirthankar Ghosh, J.)