

D/L 10
20.02.2025
Kausik
ct.no.35

W.P.A. 24868 of 2024

**Asish Bhattacharya
Versus
State of West Bengal & Ors.**

Mr. Ravi Shankar Chatterjee
Mr. Imtiaz Ahmed

...for the petitioner.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Mr. Supreem Naskar
Ms. Jayashree Patra
Ms. Ritushree Banerjee
Ms. Sreeparna Ghosh

...for the respondent nos. 7 to 10.

Mr. Wasim Ahmed
Mr. Harun-al-Rashid

...for the state.

Petitioner is aggrieved by the investigation of Kharagpur Local Police Station Case No. 1024/23 dated 30.12.2023 which was registered for investigation under sections 447/379/323/325/506/34 of the Indian Penal Code.

Petitioner alleges that the police authorities have failed to properly conduct the investigation and as such the present petitioner has suffered at the hands of the private respondents.

Learned advocate for the private respondents submits that there are number of civil cases pending inter se between the parties and the present criminal

case has been instituted by the petitioner for creating his dominance in respect of the properties in dispute.

State has submitted a report. Report reflects that so far as the outcome of the police station case is concerned, a final report as false has been submitted before the jurisdictional court.

In view of the final report being filed in connection with Kharagpur Local PS Case No. 1024/23 dated 30.12.2023, I grant liberty to the petitioner to approach the jurisdictional court for filing an application under section 173(8) of the Code of Criminal Procedure.

If the petitioner intends to rely on the documents which were collected by the Investigating Officer in course of investigation, an application to the same extent may be filed before the learned Magistrate. Learned Magistrate would pass necessary directions for supply of copies to the petitioner who has set the law into motion.

Preferably within a period of 4 weeks from the date of filing of such application such copies be supplied, thereafter within a period of 15 days, the petitioner would file an application under section 173(8) of the Code of Criminal Procedure.

Learned Magistrate would put in efforts so that the application under section 173(8) Cr.P.C. is

disposed of preferably within a period of 45 days from the date of filing of such application.

With the aforesaid observations WPA 24868 of 2024 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.)