

D/L 112
05.03.2025
Kausik
ct.no.35

W.P.A. 24076 of 2023

**Shadab Bano
Versus
State of West Bengal & Ors.**

Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
Ms. Sarmistha Basak
Mr. Koustav Bhattacharya

...for the petitioner.

Mr. Somnath Ganguli, AGP
Ms. Pratiti Das

...for the state.

Petitioner approached this court with prayers that appropriate provisions have not been applied in course of investigation of Shibpur Police Station Case No. 250/23.

During the pendency of the writ petition the investigation of the case has been concluded and charge sheet has been submitted under the relevant provisions of the Indian Penal Code and The Muslim Women (Protection of Rights on Marriage) Act, 2019. A Prayer has also been advanced for submitting supplementary charge sheet after receiving certain reports.

I have considered the report and the interpretation of the District Registrar so far as the issue relating to a Marriage Registrar not being a

public servant, the said interpretation of the District Registrar is not acceptable to this court in view of the definition existing under section 21 of the Indian Penal Code.

Petitioner is granted liberty to approach the learned Magistrate in seisin of Shibpur Police Station Case No. 250/23 with a prayer under section 173(8) of the Code of Criminal Procedure. In course of consideration of the said application if the learned Magistrate finds that the provisions of the Prevention of Corruption Act, 1988 is applicable, in that case, learned Magistrate will transmit the records to the learned Special Court which will consider the same in accordance with law.

With the aforesaid observations WPA 24076 of 2023 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.)