

D/L 25
22.04.2025
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ct.no.35

W.P.A.26658 of 2024

**Krishnendu Mullick
Versus
State of West Bengal & Ors.**

Ms. Ameena Kabir.
...for the petitioner.

Mr. Vimal Kumar Shahi
Mrs. Sanjukta Samanta.
...for the State-respondents.

Mr. Vimal Kumar Shahi, learned Additional Government Pleader submits a report. Report reflects that the investigating officer submitted charge-sheet in connection with Jagatballavpur Police Station Case No.198 of 2022 on or about 19th January, 2025.

Learned advocate appearing for the petitioner contends that the investigation was never progressing and the progress was subsequent to the writ petition having been preferred before this Court. There is every possibility that the investigation report/charge-sheet which has been submitted before the jurisdictional court is bereft of any materials which are compatible with the sections for which the accused persons have been charged.

I find that the charge-sheet has been submitted under Sections 417/467/471/420/120B

of the Indian Penal Code. Learned CJM, Howrah or any Judicial Magistrate in seisin of Jagatballavpur Police Station Case No.198 of 2022 will on an application made by the petitioner/de facto complainant hand over the documents proposed to be relied upon by the prosecution in order to prove its case i.e. Section 207 of the Cr.P.C. If the petitioner on perusal of the said document is aggrieved regarding the manner in which the investigation has been conducted, he would be at liberty to file an application under Section 173(8) Cr.P.C./Section 193(9) of the BNSS. If such an application is preferred, the learned Magistrate would dispose of the same within a period of 60 days from the date of filing of such application.

With the aforesaid observations, WPA 26658 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing on behalf of 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.)