

CRR 4650 of 2024

Bharatiya Bigyan O Yuktibadi Samiti
Vs.
The State of West Bengal & ors.

Adv. Ujjal Kumar Sarkar,

...for the petitioner.

Adv. Anisur Rahaman,
Adv. Habibur Rahaman,

...for the op. no.3.

Adv. Arijit Ganguly,
Adv. Karan Bapuli,

...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 6th May, 2024 passed by the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas in GR 5066 of 2022 accepting the final report submitted by the investigating officer and disposing of the case.

It appears that the petitioner filed an objection against the FRT submitted by the investigating officer along with an application under Section 173(8) of the Code of Criminal Procedure seeking further investigation of the case. The learned Magistrate fixed 5th June, 2024 for hearing of the application. On 6th May, 2024, the learned Magistrate took up the matter for hearing and recorded that the defacto complainant/petitioner did not appear despite being aware of the date. The FRT was accepted and the case disposed of.

Since the date for hearing the applications filed by the petitioner was fixed by the learned Magistrate on 5th June, 2024 despite which the case was disposed of by an order passed on 6th May, 2024, the order is required to be set aside.

In view of the above, the order impugned dated 6th May, 2024 passed by the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas in GR 5066 of 2022 is quashed/set aside.

The learned Magistrate is directed to reconsider the applications filed by the petitioner upon granting reasonable opportunity of hearing to the petitioner as well as the State and record a reasoned order in respect of the same as expeditiously as possible, preferably within one month from the date of communication of this order.

CRR 4650 of 2024 is disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Suvra Ghosh, J.)