

D/L 109
28.01.2025
Bpg.
ct.no.35

W.P.A.28408 of 2024

**Sampa Sarkar
Versus
The State of West Bengal & Ors.**

Ms. Ipsita Ghosh.
...for the petitioner.

Mr. Suman Ghosh
Mr. Sankha Prasad Roy.
...for the State-respondents.

Mr. Arka Ranjan Bhattacharya
Ms. Saloni Bhattacharya.
...for the respondent no.6.

Petitioner is aggrieved regarding the inaction of the police authorities as the police authorities initially was reluctant to progress with the investigation of the case. Petitioner, as such, approached this Court.

Learned advocate appearing for the petitioner has drawn the attention of the Court to the date of information and registration of the FIR and submitted that it is only at the interference of the Superior Officer of the Police, steps have been taken for registration of the FIR.

State has submitted a report. Report reflects that the police authorities on conclusion of investigation has already submitted charge-sheet before the jurisdictional court. Learned advocate for

the State has also drawn the attention to the relevant sections under which charge-sheet has been submitted but has candidly stated that the police authorities have failed to unearth in respect of snatching of the chain which has been referred to by the petitioner.

I have considered the statement under Section 164 of the Code of Criminal Procedure of the petitioner. I find that as per the statement of the petitioner, injuries have been inflicted upon the husband of the petitioner also.

Having considered that the police authorities have already filed their report/charge-sheet before the jurisdictional court, it would be in the interest of justice that the petitioner approaches the jurisdictional criminal court already in seisin of the matter in case there is any grievance which needs to be addressed.

Learned advocate for the respondent no.6 submits that he has been unnecessary implicated in connection with the instant case on the basis of false and frivolous accusations and the police authorities have in a mechanical manner submitted charge-sheet in connection with the instant case.

As stated above, the petitioner would be at liberty to ventilate her grievance before the learned

jurisdictional Magistrate by filing an appropriate application either under Section 173(8) of Cr.P.C. or under Section 193 (9) of BNSS. If such application is preferred, learned Magistrate would consider the same in accordance with law and dispose of the same preferably within a period of 45 days of filing of the said application.

In view of the settled proposition of law if the petitioner before filing of the application under Section 173(8) Cr.P.C. files such application in respect of the documents relied upon by the prosecution, learned Magistrate would direct the prosecution to serve the said copies to the petitioner.

With the aforesaid observations, WPA 28408 of 2024 is disposed of.

There will be no order as to costs.

Photostat copy of the CD/report submitted by the State 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.

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

(Tirthankar Ghosh, J.)