

28.01.2025
Item No.114
Ct. No.35
dc.

W.P.A. 28812 of 2024

**Asish Bhattacharya
versus
The State of West Bengal & Ors.**

Mr. Rabi Shankar Chatterjee,
Mr. Siddhartha Bhattacharya ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Mr. Soumen Chatterjee ... For the State.

Mr. Jayanta Narayan Chatterjee,
Ms. Moumita Pandit ... For the Respondent Nos.7 to 10.

Mr. U. K. Jana,
Mr. A. K. Chakrabarty
... For the Respondent Nos. 5, 6, 11, 12 & 13.

Mr. Swapan Banerjee, learned AGP
appearing for the State submits that in the
earlier order dated 19.12.2024, the name of his
junior is missing.

Accordingly, the name of the following
advocate on behalf of the State along with Mr.
Banerjee, may be inserted in the order dated
19.12.2024 :

Mr. Soumen Chatterjee.

Let this order be treated as part and parcel of
the order dated 19.12.2024.

Department is directed to take necessary
steps for insertion of the aforesaid name of the
State advocate in the order dated 19.12.2024.

From the case diary submitted by the learned
advocate appearing for the State, it reflects that the
police authorities in respect of Kharagpur Local
Police Station Case No. 425/2024 submitted a final

report praying for discharge of the accused persons named in the FIR before the jurisdictional court. In the said report, the investigating officer has also prayed for prosecution of the complainant under Sections 211/182 of the Indian Penal Code.

Having regard to the fact that the police authorities have submitted their final report and presently there is no investigation, the scope of this Court to interfere at this stage is not available. The petitioner would be at liberty to file his application under Section 173(8) of the Code of Criminal Procedure before the jurisdictional Magistrate in respect of his contentions and expressing his dissatisfaction regarding the manner of investigation so conducted. If such an application is filed, the learned Magistrate would dispose of the application within a period of 45 days in accordance with law. If the petitioner applies for supply of copies relied upon by the prosecution to arrive at its conclusion, the same may be handed over to the petitioner within a period of fortnight from the date of filing of such application.

With the aforesaid observations, the writ petition being WPA 28812 of 2024 is disposed of.

Case diary be returned to the learned advocate appearing for the State.

There will be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)