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20.01.2014
NB/KC

Ct. No. 28

W.P. No. 29954(W) of 2013

Smt. Mira Datta

Vs.

The State of West Bengal & Ors.

Mr. Daya Shankar Mishra.
... for the State.

Mr. Mishra appearing for the State produces the records of investigation as well as a report relating to its progress. The report is kept with the record.

It appears from such report that charge-sheet has already been filed before the concerned Magistrate. In the aforesaid charge-sheet, prayer for discharge has been made by investigating agency in respect of accused Arup Saha. It also appears that the report that complicity of Tushar Kanti Banerjee has not transpired during investigation.

In view of the fact that the police authority has already filed charge-sheet before the concerned Judicial Magistrate, I am of the opinion that the petitioner may canvass his grievances before the concerned Magistrate including his prayer for further investigation in accordance with law. The prayer for discharge of any accused person shall not be accepted by the concerned Magistrate with giving an opportunity of hearing to the petitioner who is the de facto complainant of the case.

With the aforesaid observation, the writ petition is disposed of.

There shall, however, be no order as to costs.

Urgent certified photostat copy of this order be given to the parties expeditiously, if applied for.

(Joymalya Bagchi, J.)