

K2/287/2015
GR/1881/2015

Order dated:29.07.2025

Today is fixed for hearing.

Complainant is present.

Accused person namely Soumendra Kumar Biswas files an absent petition on the ground stated therein.

Ld. Advocate for the accused person namely Soumendra Kumar Biswas files a petition and submits before the court to give direction upon the de-facto complainant to serve a copy of the application u/s 173(8) of Cr. P. C on the accused N. Poonusamy. He further submits that as per the order of the Hon'ble High Court at Calcutta in C.R.R No. 2166 of 2022, the Hon'ble High Court has directed this court that an opportunity of hearing be given to all the parties over the protest petition filed u/s 173(8) of the Code of Criminal Procedure before the hearing of the said petition u/s 173(8) of Cr. P. C. He further submits that in compliance to the direction of the Hon'ble High Court, Calcutta, this court had directed the de-facto complainant to serve the copies of the petition to all the parties in connection with the case in hand. However, he submits that the copies have not been served upon the accused N. Poonusamy and therefore prays before this court to give direction upon the de-facto complainant to serve the copy of the petition u/s 173(8) of Cr. P. C upon N. Poonusamy. He submits that the hearing upon the protest petition cannot be conducted unless and until the de-facto complainant serves the copy of the petition upon N. Poonusamy.

Heard.

Perused case record. Considered.

It appears from the record that on 19.06.2025 one direction was given by this court to the de-facto complainant to serve the copies of the petition u/s 175(3) BNSS to the other parties. However, on close scrutiny of the case record, it appears that the original notice has been sent to N. Poonusamy through the concerned P.S. However, there is no report as to whether the said notice has been served upon N. Poonusamy or not.

In the above circumstances, in the absence of any report as to whether the notice has been served upon N. Poonusamy, the de-facto complainant is directed to serve the copies of petition u/s 173(8) of Cr. P. C upon N. Poonusamy. Further as all the parties have not been served the notice, the hearing of the petition u/s 173(8) of Cr. P. C cannot be taken up.

Fix 09.09.2025 for hearing upon the petition dated 29.04.2024 and for report.

D/c,

ACJM-I, Calcutta(I/C).