

28
10.04.2026
Court. No.6
Sudipta

CRR/262/2025

**NIBEDITA GHOSH
VS
THE STATE OF WEST BENGAL AND ORS.**

Mr. Abhilash Mittal

... for the petitioner

Mr. Nilay Chakraborty, Ld. APP

Mr. Abhijit Sarkar

...for the state

1. Report dated 09.04.2026 filed in Court today be kept in record.
2. I.O is present. Personal appearance is dispensed with.
3. This is an application filed under Section 173(4) read with Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 against the order passed by the Learned A.C.J.M., Siliguri.
4. In view of the impugned order dated 24.03.2025, the Learned Chief Judicial Magistrate refused to issue process on the basis of application filed therein by the present petitioner. Copy of the impugned order is annexed herewith.
5. The Learned A.C.J.M in the impugned order considered that there is a civil suit pending and the dispute is civil in nature.

6. Today the Report of the I.O is presented wherein it is mentioned that prima facie it appears that despite being a lawful legal heir the minor child is excluded from the prosecution. The question of heirship is a civil dispute which a Court of competent jurisdiction may decide and in which the Investigating Officer is not an appropriate person to consider. It is also in the report that ownership of the motor vehicle could not be ascertained from R.T.O. A further report is still awaiting.
7. A further report is hereby called for from the I.O from the concerned R.T.O.
8. The will appear in the list after 15 days.

(Sugato Majumdar, J.)