

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 16542 OF 2026

ARUN KUMAR MISHRA

VS.

THE STATE OF WEST BENGAL AND OTHERS

.....

Mr. Pawan Kumar Gupta, Adv.
Mr. Abhishek Agarwal, Adv.
Ms. Sofia Nesar, Adv.
Ms. Rupa Singh, Adv.
Mr. Mrityunjay Dutta Banik, Adv.
Ms. Mayurika Sadhukhan, Adv.

...For Petitioner

Mr. Rajdeep Majumder, AAG (Via VC)
Mr. Moyukh Mukherjee, Adv.
Mr. Milind Mohul Ghoshal, Adv.

...For State

1. Affidavit-of-service filed on behalf of petitioner is taken on record.
2. Prayer is made in this writ petition for conducting appropriate investigation in connection with criminal prosecution being Dankuni P.S. Case No.219 of 2024 dated 19th June, 2024. Prayer is also made for transferring investigation of aforesaid criminal prosecution to Criminal Investigation Department (CID), West Bengal.
3. Mr. Rajdeep Majumder, learned Additional Advocate General appears on behalf of State respondents on virtual mode and has filed two communications, one dated 31st July, 2026 of Inspector-in-Charge, Lake Town Police Station, Bidhannagar Police Commissionerate in connection with Lake Town P.S. Case No.258 of 2025 dated 15th September, 2025 and another dated 19th July, 2026 of Inspector-in-Charge, Dankuni Police Station, Chandannagar Police

Commissionerate in connection with Dankuni P.S. Case No.219 of 2024 dated 19th June, 2024. Both the aforesaid communications are taken on record.

4. Steps taken by the concerned police authorities in connection with aforesaid criminal prosecutions are disclosed in respective communications.
5. This Court cannot brush aside the fact that petitioner, being the principal accused in Lake Town P.S. Case No.258 of 2025 dated 15th September, 2025, claims appropriate steps are required to be taken in investigating Dankuni P.S. Case No.219 of 2024 dated 19th June, 2024.
6. In view of disclosure of steps taken by concerned police authorities with regard to Lake Town P.S. Case No.258 of 2025 which has a bearing so far Dankuni P.S. Case No.219 of 2024 is concerned, this Court is not inclined to direct transfer of investigation of Dankuni P.S. Case No.219 of 2024 dated 19th June, 2024 to another investigating agency at this stage.
7. However, if petitioner has grievance that there is inaction on the part of concerned police authority in taking forward Dankuni P.S. Case No.219 of 2024 dated 19th June, 2024, in that event, petitioner needs to approach jurisdictional Magistrate under Section 175(3) of BNSS, 2023.
8. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **2026 SCC OnLine SC 798 (Sujal Vishwas Attavar and another vs. State of Maharashtra and others)**.
9. Hence, prayer of the petitioner for transferring investigation is refused, at this stage.

10. Writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)