

17-04.2019
Court No.2
Sh/12.

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
WRIT APPELLATE JURISDICTION**

W.P.A. 88 of 2019

Anti Roy @ Aniti Roy. . . .Petitioner.
Vs.
State of West Bengal & Ors. . . .Respondents.

Mr. Anirban Banerjee
... For the Petitioner.
Mr. Joyjit Dutta,
Mr. M. Rahaman,
Mr. Subir Kumar Saha,
Ms. Bedashruti Bose.
. . .For the State Respondent.

This writ petition has been filed complaining police authorities are not making proper investigation although an order has been passed under Section 156(3) of the Code of Criminal Procedure, by the learned Magistrate directing for investigation. Writ petition discloses in paragraph 7 that Kotwali P.S. Case No. 492 of 2018 has been registered under relevant section of IPC as per complaint. As it appears from the report filed before this Court today by the Inspector-in-charge, Kotwali Police Station, Jalpaiguri, addressed to the Superintendent of Police, Jalpaiguri, reveals that the investigation is in proper direction. However, the learned Magistrate, before whom the criminal proceeding is pending, is in seisin over this matter

and I do not find it appropriate to usurp the jurisdiction and authority of the learned Magistrate who is empowered to take all steps, which the petitioner seeks before this writ Court. The Writ Court being an extra ordinary jurisdiction is not satisfied that the petitioner has made out such a case where Writ Court should extend it's interference by directing the Investigating Officer to commit arrest of an accused. Prayers of the writ petitioner is only to direct the Superintendent of Police to consider her representation dated 12-03-2019, being Annexure P-4 to the writ petition, as per prayer (a). Such prayer for consideration of representation cannot be entertained when the P.S. case is pending and investigation is on.

The writ petition is, accordingly, dismissed without any order as to costs.

Let a copy of the report filed today in court by the learned advocates appearing for the State is taken on record.

Urgent Photostat Certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously on compliance of all requisite formalities.

(SAHIDULLAH MUNSHI, J.)