

AD. 16.
January 13, 2021.
MNS.

W. P. A. 660 of 2021
(Via video conference)

Arindam Bhattacharjee and another
Vs.
The State of West Bengal and others

Mr. Arnab Saha

... for the petitioners.

Mr. Subhabrata Datta,
Mr. Debashis Sarkar

...for the respondent-authorities.

Mr. M. R. Sarbadhikari,
Mr. Aninda Sarkar,
Mr. Soupal Chatterjee

...for the private respondents.

Affidavit-of-service filed in Court today be
taken on record.

The petitioners submit that the police
authorities are not carrying out appropriate
investigation on the complaint of the petitioners,
lodged as long back as on April 9, 2020 and other
complaints lodged subsequently thereto.

It is submitted that statements made under
Section 161 and/or Section 164 of the Code of
Criminal Procedure have not been taken and the
relevant sections have not been clubbed by the
authorities in the investigation process.

Learned counsel appearing for the private respondents controverts the allegations as to commission of the alleged offences and submits that the alleged victims were released from the hospital in good condition.

Learned counsel appearing for the respondent-authorities submits that charge sheet has already been submitted in respect of the prior complaint of the petitioner, after completion of investigation into the matter.

As regards the other complaint, learned counsel submits that the same did not disclose any cognizable offence and as such no First Information Report was registered thereon.

Since charge sheet has already been filed on the primary complaint of the petitioner, the remedy of the petitioner, both with regard to the grievance as to inadequate clubbing of provisions of law and as to inadequate investigation, lies before the concerned Magistrate under the law.

Interdiction by the writ court at this premature juncture would take away a forum from the petitioners themselves as well as the authorities.

As such, W. P. A. 660 of 2021 is disposed of by granting liberty to the petitioners to

approach the competent Magistrate with the grievances ventilated in the present writ petition. If such an approach is made, the Magistrate shall deal with the same in accordance with law, upon hearing the interested parties, without being influenced in any manner by any of the observations made herein.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

