

18.01.2021
D/L-11,
Ct-1
(AD/CHC)

(Via Video Conference)

W.P.A.3192 of 2020

Kartick Chandra Sarkar

Vs.

The State of West Bengal and others

Mr. Avik Ghatak,
Mr. Kaustav Chatterjee
...for the petitioner

Md. T. M. Siddiqui,
Ms. Karabi Roy
...for the State

We have seen the order dated 17th September, 2020 calling for a contemporaneous report indicating the measures taken and the progress of the investigation.

Our attention is drawn to such report, as submitted by Inspector-in-Charge of Barasat Police Station dated 10.01.2021 through the learned advocate representing the respondent/State.

It appears from the report that the victim aged about 33 years old had a previous history of going missing several times and all the times General Diary Entries were made at the concerned Police Station and either the victim had himself returned or he caused to be returned taking assistance of police.

A specific case over the issue of missing of victim is found registered at Barasat Police Station being Barasat Police Station Case No.706/2019 dated 22.12.2019 under Sections 323/120B/368/367/34 of the Indian Penal Code implicating as many as four accused persons. Some of the accused persons have already been arrested with knowledge of complainant, and who are reportedly enjoying interim bail. Exercise is still going on to get in touch with the victim, and in connection with such exercise, publication of the photographs in the form of Notice has been put up in some public offices.

Learned advocate for the petitioner admits that a case has already been registered and investigation connected therewith is also going on.

When there has been a specific case registered against some of the accused persons, and in connection with which there is an ongoing investigation, the Court is of the view that we find no justification to keep this case pending. Though the pending investigation cannot be interfered with by the learned Magistrate, before whom the relevant case is pending, but the learned Magistrate can very well supervise/monitor the investigation in order to redress the issue raised before us. We, thus, direct closure of this case without prejudice to the right and contention

of the petitioner that may be before the competent court having criminal jurisdiction over the case.

Learned Magistrate, before whom the case is pending is directed to adequately supervise/monitor the pending investigation and endeavour to redress the issue, if any raised by the petitioner giving sufficient opportunity of hearing to either of the parties to this case.

This order, will however, not put an end to the ongoing investigation which may be conducted vigorously in its own direction intensifying the same with much more emphasis so that the missing victim/son of the petitioner could be traced out.

The writ application is thus disposed of.

(Thottathil B. Radhakrishnan, CJ.)

(Subhasis Dasgupta, J.)