

AD. 22.
February 2, 2021.
MNS.

W. P. A. 8163 of 2020
(Via video conference)

Sunil Kumar Sarkar

Vs.

The State of West Bengal and others

Mr. Shtaroop Purkayastha

... for the petitioner.

Mr. Amitesh Banerjee,
Ms. Isshita Banerjee,
Mr. Tarak Karan

...for the respondent-authorities.

Affidavit containing a report filed by
respondent no. 4 today be kept on record.

The unfortunate petitioner's son went
missing about 1½ years back. Upon complaint
being lodged, the police have been investigating
into the matter.

Learned counsel for the petitioner,
however, submits that the investigation ought to
be transferred to some other investigation agency
than the police, such as the Crime Investigation
Department (CID), West Bengal, in view of the
unsatisfactory progress of the investigation on the
part of the police authorities.

It is submitted by learned counsel appearing for the respondent-authorities that the CID was consulted by the police for a limited purpose in connection with the investigation. However, details have been disclosed in the report filed today, which show that all possible steps having been taken by the police in the matter of the investigation.

It appears from the report filed today that the police have been investigating into the matter with due diligence and apparently have been covering all relevant aspects of the matter. However, the court cannot sit in judgment over the efficiency of the investigation in detail, due to lack of such expertise on the part of the Court. In the event some palpable illegality or inaction on the part of the police was exhibited, undoubtedly the question of transfer of investigation to some other agency could have been considered.

However, in the present case, it is evident from the report filed by the police that they have been attempting their level best to find out the missing son of the petitioner.

As such, despite having full sympathy with the petitioner in his agony for his missing son, there is nothing further that the Court can do for

the present, since the investigation is still going on in full swing and the matter has not been closed.

In such view of the matter, W. P. A. 8163 of 2020 is disposed of in the light of the above observations.

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.)