

15 19.02.2021
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Via Video Conference)**

W.P.A. 335 OF 2021

Sri Pawan Kumar Verma
-vs.-
The State of West Bengal & Ors.

Mr. Sunil Kumar Sarkar

....For the Petitioner.

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose.

....For the State.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is seeking a writ of mandamus commanding the concerned respondent authorities to act in accordance with law. Furthermore, the writ petitioner is seeking a writ of mandamus directing the police authorities to investigate the case and to apprise the progress of the investigation of the case to the petitioner.

2. Counsel appearing on behalf of the petitioner has relied on the judgement in *Tapas Paul -vs.- Biplab Kumar Chowdhury*, reported in 2014(4) CHN (CAL) 668 [paragraphs 31 to 40] to buttress his argument that the petitioner has right to be apprised of the stage and progress in a criminal investigation.

3. Mr. Ghosh, learned counsel appearing on behalf of the State authorities submits that statement under Section 161 of the Cr.P.C. have been taken. He further submits that the investigation is pending and charge-sheet is awaited. He files a report in Court that may be kept with the record. A copy of the same be supplied to the petitioner.

4. I have heard counsel appearing for the parties and perused the materials on record. In my view, this writ petition is premature as the petitioner has not averred any *mala fide* in this writ petition. Furthermore, there are other alternative and efficacious remedies available to the petitioner. Accordingly, the writ petition is disposed of without passing any orders.

5. The petitioner is at liberty to proceed before the appropriate forum in accordance with law.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)