

12.04.2022
S/L No.35
KS

W.P.A. 6598 of 2022
Purnima Kandu & Anr.
-Vs.-
The State of West Bengal & Ors.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. P. Kar

.....For the Petitioners

Mr. S. N. Mookherjee
Mr. Samrat Sen
Mr. Anirban Roy
Mr. T. M. Siddiqui
Mr. Raja Saha
Mr. Debashis Ghosh
Mr. Nilotpal Chatterjee

.....For the State

Mr. Billwadal Bhattacharya
Mr. Kallol Mondal

.....For the C.B.I.

Mr. Aniruddha Bhattacharya

.....For the Proforma Respondent

The petitioners seek transfer of investigation into the unnatural death of one Niranjan Baishnab who was the friend of one deceased late Tapan Kandu the husband of the petitioner no. 1. The statement of the deceased was also recorded by the State police in connection with the investigation into the death of the said Tapan Kandu. The parties describe the said Niranjan Baishnab as an eye witness to the murder of Tapan Kandu. It is submitted that since the investigation into the death of Tapan Kandu has already been transferred to the C.B.I., this Court's order dated 4th April, 2022 in W.P.A. No.5418 of 2022, and since the deceased Niranjan Baishnab, was crucial eye witness to the

said murder of Tapan Kandu, the investigation into the death of Niranjana Baishnab must also be conducted by the C.B.I.

This Court as of now cannot find any fault with the investigation conducted by the State police. However, given the fact that the deceased Niranjana Baishnab, was an eye witness to a murder which has already been transferred to and investigated into by the CBI, in the fitness of things and for the purpose of comprehensive investigation, this Court is of the view that the investigation into the death of Niranjana Baishnab being, F.I.R. No.50 of 2022 dated 7th April, 2022, of Jhalda Police Station must also be transferred to the C.B.I. for the purpose of further investigation.

Mr. Anirban Roy, learned advocate for the State submits that this Court's order dated 4th April, 2022 has been challenged in an appeal by the State in M.A.T. 510 of 2022.

This order shall abide by any decision passed in M.A.T. 510 of 2022.

With this direction and observation, the writ petition stands disposed of.

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

(Rajasekhar Mantha, J.)