

19.05.2022.
Court No.13
Item No. 17
ap

W.P.A. No. 8609 of 2022

**Satyen Mondal & Anr.
Versus
The State of West Bengal & Ors.**

Ms. Susmita Saha Dutta,
Mr. Niladri Saha,
Ms. Pallabi Chatterjee.

...For the petitioners.

Mr. Subhabrata Datta,
Mr. Sanatan Panja.

...For the State.

Mr. Brajesh Jha.

...For the respondent no.3.

Mr. Dhiraj Trivedi,
Mr. Debu Chowdhury.

...For the respondent no.5.

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

Superintendent of Police, Krishnanagar Police
District has filed a reported dated 18th May, 2022. The
same is also taken on record.

It appears from the said report that the case is
being treated as Krishnanagar Police District Special
Court Case and has been registered as such being No.
50 of 2022. It further appears from the said report that
the principal accused, Kalu Mondal appears to have
been apprehended and weapons were seized and the
seized articles have been sent for forensic analysis to
the Forensic Science Laboratory, Kolkata.

It is expected that the Forensic Science
Laboratory, Kolkata shall, as expeditiously as possible,

preferably within a period of two weeks from date, submit final FSL report to the Investigating Officer of the case. The investigation is being monitored directly by the Office of the Superintendent of Police, Krishananagar Police District.

The case diary has been produced before this Court. It appears from the case diary that as many as twenty statements under Section 161 of the Code of Criminal Procedure have been recorded and the statements of eye-witnesses as also the de facto complainant under Section 164 of the Code of Criminal Procedure have been recorded.

This Court at this stage is unable to find fault with the investigation. To allay the apprehension of the Counsel for the petitioners, it is submitted by the Counsel for the State that wearing apparel of the victim have already been seized by the Investigating Agency.

In that view of the matter, this Court is of the view that the prayer of the petitioners for transfer of investigation cannot be acceded to.

The petitioners shall be furnished with copies of the report under Section 173(1(ii)) of the Code of Criminal Procedure, immediately upon filing thereof before the concerned Magistrate. The petitioners may take steps to challenge the same, inter alia, in the form of Naraji. The petitioners are also reserved liberty

to reiterate any prayer for change of Investigating Agency before the trial commences.

The case diary is returned to the Counsel for the State.

With the above observations, the instant writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)