

24.06.2022
Sl. No.31
srm

W.P.A. No. 10212 of 2022

Sri Raj Ganguly

Versus

The State of West Bengal & Ors.

Mrs. Maheswari Sharma,
Mrs. Tulika Banerjee,
Mr. Rabindo Mohan Ghosh

...for the Petitioner.

Mr. Debasish Ghosh,
Mr. Prithwish Basu

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner submits that the charge sheet which has been submitted upon conclusion of Pandua Police Station Case No.20 of 2020 dated January 14, 2020 *vide* Pandua Police Station Charge Sheet No.246 of 2022 dated June 15, 2022 under Sections 341/323/504/34 of the Indian Penal Code, was defective. Sections 170/187/186/211/332/447/456 of the Indian Penal Code ought to have been incorporated in the charge sheet.

A similar prayer was made before the learned Chief Judicial Magistrate, Hooghly. Such prayer was turned down as the learned Court below was of the opinion that the court had no jurisdiction to interfere with the process of investigation. The police authorities, however, were directed to file necessary progress report with regard to the investigation.

The report filed by the police authorities today, is taken on record. From the report, it appears that the police authorities have already concluded the investigation and have filed the charge sheet. Statements of available witnesses under Section 161 of the Code of Criminal Procedure were recorded. The police authorities also explored whether Sections 170/187/186/211/332/447/456 should be incorporated, or not. The investigation and the conclusion arrived at did not persuade the police authorities to incorporate the said sections. The details of the investigation are available from the report.

Thus, once the charge sheet has been submitted, the remedy of the petitioner would be to approach the learned jurisdictional Magistrate. All points raised by the writ petitioner including the point of unsatisfactory investigation can be raised before the learned jurisdictional Magistrate.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order or on the communication of the learned Advocates.

(Shampa Sarkar, J.)