

07.04.2022.
Item No. 53.
Court No.13
pk

**W.P.A. No. 15694 of 2021
(Through Video Conference)**

**Sri Ashoke Kumar Banerjee & Anr.
Versus
Union of India & Ors.**

Ms. Susmita Saha Dutta,
Mr. Niladri Saha.

...For the petitioners.

Mr. Jishnu Chowdhury,
Ms. Amrita Panja Moulick.

...For the State.

Mr. Subhadip Paramanik.

...for the UOI.

Mr. Ali Ahsan Alamgir,
Mr. Atarul Hoque Molla,
Ms. Riya Das

...For the private respondents.

The writ petitioners complain through counsel that notwithstanding the police assistance, they have not been able to file Naraji petition against the charge sheet. The contention of the petitioners is that offence under Section 307 of the Cr. P. C. ought to have been included against the accused persons.

This Court has carefully considered the report of the Additional Superintendent of Police (Rural), Purba Bardhaman. Exception to the report has also been considered.

This Court is of the view that since charge sheet has already been filed, the petitioners' remedy lies

under Section 173 of the Cr. P. C. before the learned Magistrate.

Since counsel for the petitioners submits that her clients had been threatened inside the court of the ACJM, they should be accompanied by two constables of the Katwa Police Station to the court room of the ACJM, to ensure that they are able to file the application under Section 173(8) of the Cr. P. C.

Even otherwise, the petitioners are not remediless, as the Sessions Judge has power under the provisions of the Cr. P. C. to include new and other sections which the accused may have committed.

With the aforesaid observations, the writ petition is disposed of.

Interim report filed by the Inspector-in-Charge, Katwa Police Station dated 14.03.2022 is taken on record. Copy of the same is made available to counsel for the petitioners.

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.)