

18.02.2022
Court No.13
Item No.24
AP

**WPA 7901 of 2020
With
CAN 1 of 2021**

**Sanjit Biswas
Vs.
The State of West Bengal & Ors.**

(Through Video Conference)

Mr. Giasul Islam

... For the Petitioner.

The writ petitioner was aggrieved by defective investigation being conducted in Watgunge Police Station Case No.117 dated 16th July 2019 under Sections 341/323/506/114 of the IPC.

In the affidavit-in-opposition, filed in Court, it appears that charge sheet No.148/19 dated 26th November 2019 has been filed against one Md. Ashraf. His mobile SIM card has been duly investigated.

Learned counsel for the petitioner submits that there are four other accused persons. Not having included in the aforesaid persons in the charge-sheet, the investigation must be deemed to be defective.

The petitioner submits that the call records of the said four persons should also have been taken into consideration by the investigating officer along with mobile phone and cdr.

This Court is therefore of the view that the writ petitioner's remedy is under Section 173 of the CrPC before the learned Magistrate, whereunder the Magistrate, if satisfied, may pass suitable orders.

With liberty reserved to the writ petitioner to move as above, after obtaining a copy of the charge sheet from the Court of the learned Magistrate, the writ petition being WPA 7901 of 2020 shall stand disposed of.

With the aforesaid observations, CAN 1 of 2021 shall stand disposed of.

It is made clear that this Court has not made any observations on the merits of the case and the Magistrate shall be free to take any steps and pass appropriate orders strictly inter alia in terms of Section 173 of the CrPC.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)