

05.06.2023
Court No.13
Item No.9
AP

WPA 3078 of 2023

**Khokan Chandra Deb
Vs.
The State of West Bengal and Ors.**

Mr. Abhimanyu Banerjee
Ms. Roshni Kazam

... For the petitioner.

Mr. Amitesh Banerjee
Ms. Ipsita Banerjee

... For the State.

1. The petitioner complains of investigation into Garfa Police Station FIR No.229 dated 27th October, 2022. Counsel for the petitioner submits that charge sheet No.31/2023 dated 13th March, 2023 has been filed.

2. The petitioner, however, complains that the investigation itself has been so biased that the statements of some persons recorded by the police are absolutely untrue and incorrect. The said persons are stated to have denied having given any statement to the police. Some vital documents relating to the injury of the victim have not been seized by the investigating officer.

3. The petitioner's normal remedy against the charge sheet is before the magistrate under section 173(8) of the CrPC. Since a biased, perfunctory and illegal investigation as has been alleged by the petitioner, the Commissioner of Police, Kolkata may depute a senior officer from his Commissionerate to review the investigation in accordance with law.

4. If any deliberate or willful omissions are found, appropriate steps may be taken by the Commissioner of Police, Kolkata in accordance with law.
5. For the aforesaid purpose, the petitioner may file a comprehensive representation with the office of the Commissioner of Police, Kolkata.
6. It is expected that the review of the investigation as directed hereinabove is conducted after giving a hearing of the writ petitioner.
7. With the aforesaid directions, the writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)