

05.06.2023.
Court No.13
Item No. 16
ap

W.P.A. No. 3783 of 2023
Shane Mehtab Alam
Versus
The State of West Bengal & Ors.

Mr. Koushik Gupta,
Mr. Anirban Tarafder,
Mr. Sohel Tudu,
Mr. Shraman Sarkar.

...For the petitioner.

Mr. S. Datta,
Mr. Debasish Sarkar.

...For the State.

Mr. Kusal Kumar Mukherjee,
Mr. Narattyam Acharyya.

..For the opposite party no.11.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved by the investigation into FIR No. 16 of 2022 dated 17th January, 2022 under Sections 467/468/193/417/420/120B of the Indian Penal Code. The accused persons are respondent nos.6 to 11. The respondent no.6 was a minor when the offence was committed and the learned Magistrate has remanded the investigation under the Juvenile Justice Act. The principal accused is, however, respondent no. 6 namely, Shalu Alam.
3. This Court directs that the said Shalu Alam is now 29 years old and may be tried as a major, even though at the time when the offence was committed, the said respondent no.6 was slightly below 18 years of age. The order of the learned ACMM, 2nd Court, Kolkata shall stand accordingly modified.

4. It is ordered that the investigation into the subject FIR be completed mandatorily and positively within a month from date.
5. The directions of the Chief Judge, City Sessions Court, Calcutta dated 27th September, 2022 with regard to the role of the Additional Registrar of Assurance-II Kolkata shall be duly addressed by the Investigating Officer of the case.
6. The report of the Bowbazar Police Station dated 9th March, 2023 in the form of instructions addressed to the State Advocate be kept with the record.
7. With the aforesaid directions, the instant writ petition shall stand disposed of.
8. There will be no order as to costs.
9. 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.)