

28-03-2023

ct no. 13

sl. 9

sp

WPA 5391 of 2023

Shyama Pada Biswas

-Versus-

The State of West Bengal & Ors.

Mr. Rahul Karmakar,
Mr. Abir Lal Chakraborty

...for the petitioner

Mr. Amitesh Banerjee, Id. Sr. St. Counsel,
Mr. Tarak Karan

...for the State

Mr. Navanil De,
Mr. Aranya Saha

....for the respondent no.10

The petitioner is aggrieved by the investigation conducted into being Baguiati Police Station Case No. 414 of 2020. It is submitted that the first charge sheet was challenged under Section 173(8) of the Cr. P.C.. Further investigation is ordered.

Counsel for the petitioner submits that the Investigating Officer himself, while submitting the first charge sheet, has recorded that the presence of the accused was necessary for effective investigation. Despite whereof charge sheet was filed.

The petitioner applied for cancellation of bail granted to the accused which has been rejected by the Sessions Court and confirmed by this Court in its revisional jurisdiction. The petitioner now wants

the investigation to be transferred to any other agency within the State.

Mr. Amitesh Banerjee, learned senior counsel appearing for the State submits that CS No. 105/23 dated March 22, 2023 has been filed pursuant to further investigation by the Baguiati Police Station.

In addition to a second FIR No. 13/21 dated January 6, 2021 as regards the threats to the petitioner has also been investigated and has resulted in a charge sheet being Baguiati PS Case No. 35/21 dated January 31, 2021 under Sections 341/506 of the IPC.

In that view of the matter, no relief can be granted to the petitioner in the instant proceeding.

The petitioner may avail other remedies in accordance with law.

W.P.A. 5391 of 2023 shall stand disposed of.

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.)