

19.01.2023.
Court No.13
Item No. 462
ap

W.P.A. No. 6821 of 2021

**Annu Das
Versus
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee,
Mr. Akashdeep Mukherjee,
Mr. Pritam Chatterjee,
Mr. Soumadeep Nag,
Mr. Badrul Karim,
Ms. Soumali Das.

...For the petitioner.

Supplementary affidavit filed in Court today be taken on record.

The original Investigating Officer of the case of the FIR No. 239 of 2020 dated 4th May, 2020 has appeared before this Court. He has since been transferred to another Police Station.

It appears from the submissions of the Investigating Officer of the case, namely, Mr. Sunit Mondal, that charge-sheet has been filed before the Additional Chief Judicial Magistrate concerned with liberty to file supplementary charge-sheet. It further appears that forensic report sought is in relation to a video recording of the victim's version before he died naming certain persons and the circumstances under which he sustained injuries. The recording was made by the brother-in-law of the writ petitioner.

The Director, Cyber Forensics & Digital Evidence Examiners' Laboratory, Criminal Investigation Department, Salt Lake, Kolkata shall, within a period

of one week, furnish to the present Investigating Officer of the case the forensic report.

The next grievance of Mr. Chatterjee, Counsel for the petitioner is that the writ petitioner, who was an eyewitness and the mother of the victim has not been approached for recording statement under Section 164 of the Code of Criminal Procedure.

Mr. Mondal, the original Investigating Officer of the case submits that she was not forthcoming earlier.

In that view of the matter, since the issue is still pending filing of supplementary charge-sheet, the statements of the mother and brother-in-law of the victim shall be recorded by the present Investigating Officer of the case under Section 164 of the Code of Criminal Procedure.

Any medical documents in the custody of the victim pending collection from the concerned Hospital, shall be collected forthwith.

After careful examination of the Forensic Science Laboratory's report, new statement under Section 164 of the Code of Criminal Procedure, a supplementary charge-sheet may be filed by the Investigating Officer of the case.

It is expected that the aforesaid exercise is completed by the Investigating Officer of the case within a period of one month from date mandatorily and positively.

The case diary is returned back to the Investigating Officer of the case. This Court appreciates the clear and candid submissions of the IO Mr. Sunit Mondal.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

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.)