

13.06.2023.
Court No.13
Item No. 8
ap

W.P.A. No. 8242 of 2023

**Rohan Roy
Versus
The State of West Bengal & Ors.**

Mr. Rohan Roy.

...Petitioner (in person).

Mr. Amitesh Banerjee, Sr. Standing Counsel,
Mr. Suddhadev Adak.

...For the State.

Mr. B. K. Bose.

...For the respondent no.8.

1. In terms of the earlier order of this Court, the District Judge, Howrah has filed a report. The same is kept with the record.

2. The report of the District Judge, Howrah has been considered by this Court. The request of the Investigating Officer of the case for remand of the petitioner on admittedly bailable sections, not offering bail to the petitioner at the time of arrest and the formal application before the Magistrate for adding non-bailable sections clearly indicate inappropriate conduct on the part of the Investigating Officer of the case.

3. The Commissioner of Police, Howrah shall look into the conduct of the Investigating Officer of the case and take appropriate action as may be prescribed in law.

4. The District Judge, Howrah shall consider recommending appropriate action against the

Magistrate concerned for allowing remand of the writ petitioner when admittedly bailable sections were recorded in the FIR and an application was albeit made for addition of non-bailable sections.

5. Let appropriate recommendation be made by the District Judge, Howrah to the learned Registrar General of this Court. Further action may also be decided on the basis of the recommendation of the learned Registrar General of this Court.

6. The report of the District Judge, Howrah further indicates that the left thumb impression of the petitioner on the Vakalatnama in the records, is required to be sent to the Government handwriting experts for ascertaining whether it belongs to the writ petitioner.

7. The District Judge, Howrah shall complete the aforesaid process and obtain report from the concerned Government handwriting expert within a period of one month from date.

8. Let a copy of the Government handwriting expert's report be sent to examine by the District Judge, Howrah. After sending the same to the Deputy Commissioner of Police, Howrah and the learned Registrar General of this Court, the concerned authority may take steps as may be required in law.

9. It is made clear that this Court has not in any way interfered with the investigation into the FIR.

10. However, liberty is reserved to the petitioner to challenge the FIR and/or any final report in accordance with law.

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

12. There will be no order as to costs.

13. 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.)