

24.07.2023
Item No. 17
BR

WPA 15842 of 2023

Ganesh Bag

-VS

The State of West Bengal & Ors.

Mr. Sougata Mitra,,
Mr. Shamik Bagchi,
Noor Islam Seikh
.... For the petitioner

Mr. A.Banerjee,
Mr. Suddhadeb Adak
.... For the State,

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent nos. 2 and 3 to arrest the accused and conduct fresh investigation and file a supplementary charge sheet under Section 302 of the Penal Code .

Learned counsel appearing for the petitioner submits as follows. The petitioner's brother was done to death at the instance of his paramour. Although a complaint was lodged by the petitioner, an FIR was finally registered

only under Section 306 of the Penal Code. The petitioner is also entitled to have a copy of the post-mortem report and other statements. However, a copy of the post-mortem report has handed over to the petitioner.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. Elaborate steps have been taken during investigation. Several statements were recorded under Section 161 of the Code. Necessary document was seized. A report in the final form will be filed as soon as possible.

I have heard learned counsels for the parties and have perused the writ petition and the case diaries.

It appears that the petitioner has already been supplied with a copy of the post-mortem report. At the conclusion of investigation he shall be liberty to pray for documents pertaining to the investigation as may be permissible in the eye of law.

It further appears on careful perusal of the case diary that investigation is being done and several steps have been taken in this regard.

Statements under Section 161 of the Code were recorded.

Let the investigation be completed as expeditiously as possible.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Jay Sengupta, J.)