

06.02.2023.
Court No.13
Item No. 303
ap

W.P.A. No. 17572 of 2021

**Mukti Singh
Versus
The State of West Bengal & Ors.**

Mr. Arun Kumar Maiti,
Mrs. Kaberi Sengupta (Maiti),
Ms. Sukanya Basu,
Ms. Komal Shaw,
Mr. Sumi Shaw.

...For the petitioner.

Mr. Gopal Chandra Ghosh,
Mr. Raj Krishna Mondal.

...For the private respondents.

Affidavit-of-service filed in Court today be taken on record.

Investigation has progressed substantially and charge-sheet has been submitted even without the statement of the petitioner under Section 164 of the Code of Criminal Procedure. The statement could not be recorded for want of co-operation from the petitioner.

The Deputy Superintendent of Police, Raiganj, Uttar Dinajpur being the Investigating Officer of the case in the matter has made as many as seven attempts asking the petitioner to come and depose before the Magistrate under Section 164 of the Code of Criminal Procedure at Raiganj, Uttar Dinajpur.

The petitioner did not go there out of fear.

The Deputy Superintendent of Police, Raiganj, Uttar Dinajpur also offered to secure the petitioner.

The petitioner was not satisfied with the proposal of Deputy Superintendent of Police, Raiganj, Uttar Dinajpur. The learned Sessions Judge has also recorded that the statement of the petitioner can be recorded at any place.

In that view of the matter, the petitioner's statement under Section 164 of the Code of Criminal Procedure shall be recorded before a Magistrate to be nominated by the learned Chief Metropolitan Magistrate at Calcutta.

Let such recording be effected as expeditiously as possible, preferably within a period of seven days from date.

The report of the Deputy Superintendent of Police, Raiganj, Uttar Dinajpur dated 6th February, 2023 in the form of instructions to the Government Pleader, High Court, Calcutta be taken on record.

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.)