

07 09.10.2023  
NB Ct. 14

**WPA 19324 of 2023**

Rakibul Sk.  
Vs.  
The State of West Bengal & Ors.

Mr. Pratip Kumar Chatterjee.  
...for the petitioners.

Mr. K. J. Yusuf, Id AGP,  
Mr. Parikshit Goswami.  
...for the State.

Mr. Dhiraj Trivedi Id. DSGI,  
Mr. Amajit De. Spcl.PP.  
....for the CBI.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner's father died at the time of polling in the last Panchayat Elections. The petitioner lodged an FIR, *inter alia*, under Section 302 of the Penal Code. Although the same was registered, not much was done about its investigation as the accused belonged to the ruling political dispensation. Only four out of twelve accused had been arrested and the rest were roaming freely in the locality and threatening the petitioner. After intervention by this Court, a statement of the petitioner was recorded under Section 164 of the Code by the investigating agency and another accused was arrested. In fact, after the matter was taken up for hearing before this Court on multiple occasions and it was pointed out that the statutory period of investigation was ending on 05.10.2023, the investigating agency submitted a charge sheet within such time. However, two FIR named accused were not

sent up with the charge sheet as accused. The petitioner intends to file a Naraji petition in this regard.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The allegation of police inaction made in the writ petition is unfounded. Not only five accused have been arrested in this case till date out of ten chargesheeted accused, but steps are also being taken to have warrants of arrest issued the rest. In fact, several raids were conducted to apprehend the absconding accused, but it was not possible to arrest them as they had absconded.

It appears that a charge sheet has already been submitted in the case being Nowda PS Charge sheet No.305 dated 04.10.2023 under Sections 302, 286 and 34 of the Penal Code against ten FIR named accused.

In the event the petitioner is aggrieved with the outcome of investigation, he shall be at liberty to file a protest petition and the same shall be decided in accordance with law.

However, the investigating agency take appropriate steps to have warrant of arrest issued against the absconding accused and initiate further steps in case the warrant of arrest could not be executed.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

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

**(Jay Sengupta, J.)**