

11.04.2023.
Court No.13
Item No. 43
ap

W.P.A. No. 20171 of 2022

**Bapan Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Koustav Bagchi,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Debayan Ghosh.

...For the petitioner.

Mr. Subhabarata Datta,
Mr. Banibrata Datta.

...For the State.

Mr. Subir Debnath,
Ms. Roma Roy,
Mr. Pappu Adhikari.

...For the respondent nos.8 & 9.

The petitioner is aggrieved by the investigation into Katwa G.R.P.S. No. 7 of 2022 dated 5th July, 2022 under Sections 302/201/120(B)/34 of the Indian Penal Code.

It appears from the report of the Inspector-in-charge, Nabadwip Police Station that upon the death of one Bikram Ghosh on 14th May, 2022, UD case was registered by the Katwa GRPS. It further appears therefrom that on a formal complaint and directions of the Magistrate, a formal FIR was registered by Nabadwip Police Station and transferred to Katwa Police Station.

The petitioner has alleged that three persons, namely, Pallabi Ghosh, Khokon Ghosh and Uday Ghosh were responsible for the death of his son.

This Court is not satisfied with the pace of investigation into an offence under Section 302 of the Indian Penal Code. More than nine months have elapsed since after registration of the FIR by Katwa Police Station.

The allegations of the writ petitioner in respect of an investigation cannot be lightly brushed aside.

The investigation shall forthwith be transferred to the Criminal Investigation Department, West Bengal.

Katwa Police Station and Nabadwip Police Station shall transmit all records and case diary available with them in respect of FIR No. 7 of 2022 dated 5th July, 2022 under Sections 302/201/120(B)/34 of the Indian Penal Code and FIR No. 264 of 2022 dated 21st June, 2022 registered by the Nabadwip Police Stations under Sections 302/201/120(B)/34 of the Indian Penal Code.

It is requested that the Criminal Investigation Department, West Bengal undertakes the investigation into the aforesaid two FIRs in right earnest expeditiously.

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.*)