

04.01.2023  
Court No.13  
Item No.11  
AP

**WPA 20287 of 2022**

**Jiten Biswas  
Vs.  
Union of India and Ors.**

Mr. Sabyasachi Chatterjee  
Mr. Sandipan Das  
Mr. Akashdeep Mukherjee  
Mr. Sayan Banerjee  
Mr. Badrul Karim  
Mr. Kiron Sk

... For the Petitioner.

Mr. Anirban Ray  
Mr. Amal Kumar Sen  
Mr. Raja Saha  
Mr. Prantik Garai  
Mr. Jaladhi Das

... For the State.

Ms. Susmita Saha Dutta

... For the Union of India.

The Superintendent of Police, Barasat Police District has filed two reports dated 30<sup>th</sup> November, 2022 and 8<sup>th</sup> December, 2022 and the same are taken on record. The earlier report dated 30<sup>th</sup> November, 2022 was found insufficient.

This Court is at a complete loss to appreciate as to why an investigation into a murder, which occurred in March 2018, could not be completed without a conclusive finding till date.

It appears now that the Superintendent of Police, Barasat Police District on 3<sup>rd</sup> December, 2022 had formed a SIT comprising of six officials.

This Court notes a complete failure on the part of the Superintendent of Police, Barasat Police District in

monitoring the investigation and bringing it to a logical conclusion.

This Court orders that the entire process of investigation shall be reviewed afresh by the D.G., West Bengal for the purpose of ascertaining as to whether there are any lapses against the investigating officers and as to whether any departmental action is called for.

This Court does not accept the formation of the SIT to investigate into the matter afresh after a lapse of more than three years of the incident.

In the above circumstances, the investigation is transferred to the C.I.D., West Bengal. The entire case records, case diary and the evidence collected in every small detail shall be handed over to the C.I.D., West Bengal. It is expected that the C.I.D., West Bengal shall complete the investigation mandatorily and positively within a period of two months from date and a final report be submitted to the jurisdictional magistrate.

The original I.O. and the officials of the Barasat Police District shall extend all necessary cooperation to the C.I.D., West Bengal in respect of the aforesaid investigation.

Let a detailed report as regards the enquiry directed to be conducted hereinabove into the investigation till now for the purpose of ascertaining any misconduct on the part of the investigating officers and/or their superiors be filed

in the Office of the Registrar General of this Court within a period of two months from date by the D.G., West Bengal.

Let a copy of the report of the D.G., West Bengal shall be handed over to the learned counsel for the petitioner.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**