

11 27.09.2023
NB Ct. 14

WPA 21256 of 2023

Abhisek Mondal
Vs.
The State of West Bengal & Ors.

Mr. Santosh Kr. Chakraborti.
...for the petitioner.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.
...for the State.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a psychiatric patient and is quite incapable of committing the crimes that are being alleged by the local police. It appears that his Aadhar Card and Pan Card have been misused by some miscreants to create false identity and commit some cyber crime.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police are enquiring into a cyber crime. They have asked the petitioner to cooperate with the investigation. As of now, the petitioner is not an accused in this case.

If the petitioner is a person of unsound mind, then he could not have filed the application himself or affirmed the affidavit. Being a psychiatric patient may not exonerate him from a possible charge in a criminal case.

However, it appears that the petitioner is not an accused in this case, as of now. It may fairly be possible that his identity documents had been misused.

Let the investigating agency conduct the investigation properly and expeditiously and the petitioner is directed to cooperate with the investigation.

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 may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)