

D/L 49
26.11.2024
Kausik
ct.no.35

W.P.A. 3889 of 2024

**Sajal Kanti Chakraborty
Versus
State of West Bengal & Ors.**

Mr. Kaustav Sen
Ms. Esha Das

...for the petitioner.

Mr. Suman Ghosh
Mr. Siddhartha Ghosh

...for the state.

Affidavit of service so filed be kept with the record.

Learned advocate appearing for the petitioner is aggrieved by the act and actions of the respondent no. 4 along with other police officials who have falsely implicated the present petitioner and compelled him to suffer behind the bars for more than 3 years. Petitioner was finally acquitted of the charges by the learned trial court.

Petitioner prays before this court for taking action against the erring police officials.

Mr. Ghosh, learned advocate appearing on behalf of the state submits that the police authorities have, to their best of their ability conducted investigation of the case, submitted charge sheet and

the learned special court was pleased to take cognizance of the same.

Trial was conducted but on completion of trial the learned trial court while delivering its judgment was of the opinion that there were certain omissions and non-adherence to the provisions of law for which the present petitioner was acquitted of the charges.

Petitioner seems to be aggrieved by the act and actions of the police authorities, as according to the petitioner, he has been implicated in the case on reasons of political considerations rather than on issues which are real state of facts, according to ground reality.

It is submitted that there is no truth attached to the case records and the same have been manufactured for pinning down the petitioner and wasting three years of life of the petitioner.

Prayer has been advanced on behalf of the petitioner for action against the investigating officer of the case along with his associates who are attached to the police department.

Having considered the anxiety expressed by the petitioner and the nature of the documents which are required to be considered including the materials of the trial court for arriving at a conclusion as to

what weighed with the learned trial court for acquitting the accused and whether there was any *mens rea* on the part of the investigating officer for falsely implicating the petitioner, I am of the view that the same is not possible within the short campus and on exchange of affidavits, earlier there was no provision to take action against public servants, presently after change of the code, the provisions of section 175(4) of the BNSS has been incorporated, which entitles an individual to take action against erring public servants on conditions which have been mentioned therein.

Petitioner is granted liberty to take steps in accordance with law before the jurisdictional criminal court accordingly. The jurisdictional criminal court would act in accordance with law and after taking into consideration, the materials placed by the petitioner.

With the aforesaid observations WPA 3889 of 2024 is disposed of.

Report so submitted by the state be kept with the record.

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

(Tirthankar Ghosh, J.)