

02.07.2024  
Item No.108  
M/L  
gd/ssd

MAT/383/2023  
NUR ISLAM THANDAR  
VS  
STATE OF WEST BENGAL AND ORS.  
IA NO: CAN/1/2023

1. This intra court appeal by the writ petitioner has been filed being dissatisfied with the order and direction issued by the learned Single Bench.

2. In the writ petition the appellant prayed for a direction upon the police authorities to take appropriate action including investigation against the private respondents based on the complaint given by the appellant/writ petitioner dated 16.12.2022 and also to make a free and fair investigation by monitoring the investigation by Special Cell and for other connected reliefs.

3. Before the learned writ court Amta Police Station, Howrah Rural District filed a report dated 08.02.2023 from which the court noted that the accused, Sk. Salauddin was in judicial custody and the anticipatory bail application of the other accused, namely, Sk. Kajed, Anowara Begum and Sk. Saidul have been rejected and warrant of arrest has been applied for before the learned Additional Chief Judicial Magistrate, Uluberia, Howrah on February 3, 2023.

4. The learned writ court directed that it is expected that urgent and immediate steps are taken to obtain warrant of arrest. Proclamation and attachment shall be applied for immediately, if warrants cannot be executed. The IC, Amta Police Station was directed to raid any other premises that may be indicated by the petitioner or his learned advocate to trace out the absconding accused and the report to be filed within a month.

5. This appeal was last listed on 23<sup>rd</sup> March, 2023.

6. It is not clear as to what is the present stage of the investigation/file.

7. In any event, if the appellant/writ petitioner is not satisfied with the manner in which the investigation has proceeded or if the investigation has been concluded and charge-sheet has been filed which, according to the appellant/writ petitioner, is not yet satisfied the Code of Criminal Procedure provides for adequate remedies which the appellant is entitled to exercise.

8. Therefore, without disturbing any of the findings rendered by the learned Single Bench in addition to what has been directed to be done, grant liberty to the appellant to file appropriate application under the provisions of the Code of Criminal Procedure.

9. If according to the appellant the investigation has not proceeded in an appropriate manner and if such steps are taken by the appellant, the same shall be dealt with by the appropriate authority in accordance with law.

10. Accordingly, the appeal stands disposed of.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**