

Sl.No.

4

14.06.2024

*Court
No. 35*

G.S.Das

WPA 7590 of 2016

Kunal Das

-Vs-

State of West Bengal & Ors.

Earlier order dated 23.10.2017 passed in connection with the writ petition reflects that a report was submitted by the officer in charge of Deganga Police Station dt. 5.5.2016.

The report reflects that Deganga P.S. Case No. 23 of 2016 dt. 08.01.2016 under section 279/304A of the IPC was registered for investigation against the driver of the offending vehicle bearing Registration No. WB26S 7641.

The report further reflects that on 01.02.2016 the post mortem report of the deceased Mrinal Das was collected by the investigating officer, wherein, the Autopsy

Surgeon opined that the death was due to effect of injuries which are ante-mortem in nature. A specific opinion was sought for from the autopsy surgeon.

However, at the relevant point of time, the report was pending since 05.05.2016, as the specific opinion which was required to be furnished to the investigating agency as to whether the death was accidental or otherwise, were not furnished.

Having considered the time period which has elapsed, in the meantime, I direct the Id. trial court, *in seisin*, of the matter to take steps and consider the grievances, if any, particularly with regard to the report and the finding(s) of the expert.

If the Id. trial court or the Id. Court *in seisin* of Deganga P.S. Case No. 23/2016 dt. 08.01.2016, at any stage,

feels that the findings as alleged and concluded by the investigating agency involves a different set of offence(s), then, it would be the discretion of the Id. trial court or the court *in seisin* of the matter, to exhaust the provision of Section 173(8) of the cr.p.c.

With the aforesaid observations, WPA 7590 of 2016 is **disposed of**.

Pending application, if any, is also **disposed of**.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

