

D/L 67
23.09.2024
Kausik
ct.no.35

W.P.A.19043 of 2024

**Abdul Ohab Molla
Versus
State of West Bengal and others**

Mr. Pintu Karar
Mr. Sabad Uddin Laskar
Mr. Sourav Roy

...for the petitioner

Mr. Suman Sengupta, Sr. Govt. Adv.
Mr. Gourav Das

...for the State

Petitioner is aggrieved by the manner in which the investigation of Magrahat P.S. No. 205 of 2024 dated 02.06.2024 has been progressing and to that effect a representation dated 24.07.2024 was made to the Officer-in-Charge Magrahat Police Station by the defacto complainant/present petitioner. A report has been submitted on behalf of the State. Report reflects that during the pendency of the writ petition charge sheet has already been submitted before the Jurisdictional Court and one of the accused namely, Nasir Molla is responsible according to the police authorities. This proposition is disputed by the petitioner. According to the petitioner all the FIR named accused persons are involved with the offence. However it is because of the dilution made by

the police authorities, the rest of the accused persons have been discharged from the case. It has also been accepted by the learned Advocate appearing for the petitioner that they have received a notice after the report and an application under Section 193(9) of the BNSS was filed before the Jurisdictional Court at his instance.

Having considered that the Jurisdictional Court is already in seisin of the application for further investigation which has been filed at the instance of the present petitioner I direct that in case the Jurisdictional Court is satisfied that a case for further investigation is made out then in that case it will direct the Additional Superintendent of Police, Diamond Harbour to change the Investigating Officer and engage an investigating officer of his choice.

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

Affidavit of service filed by the petitioner be kept with the record.

With the aforesaid observations W.P.A. No. 19043 of 2024 is disposed of.

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

(Tirthankar Ghosh, J.)