

19.12.2024
Item No.38
Ct. No.35
dc.

W.P.A. 19325 of 2024

**Gopal Chandra Sarkar
versus
The State of West Bengal & Ors.**

Mr. Sujoy Sarkar,
Ms. Oindrila Sarkar,
Mr. Mushraf Alam ... For the Petitioner.

Mr. Joydeep Banerjee,
Ms. Rupsha Chakraborty ... For the State.

Exception, to the report of the respondent no.7, filed on behalf of the petitioner be kept with the record.

The petitioner is aggrieved by the fact that although English Bazar Police Station Case No. 114/2024 dated 22.01.2024 was registered for investigation, but till date no effective steps have been taken. According to the learned advocate appearing for the petitioner, the accused persons are very influential in the locality and as such is exerting dominance so that the investigation cannot be done in a fair manner. To that effect, the petitioner has made a representation, but the same did not yield any result which compelled him to approach this Court.

Learned advocate appearing for the State has earlier submitted a report before this Court. The said report reflects that the police authorities have already recorded statement of some of the witnesses under Section 161 of the Code of

Criminal Procedure and also issued notice under Section 41A of the Code of Criminal Procedure.

There are grievances which the investigating agency should have addressed particularly with regard to the CCTV footage concerned as also collection of other materials. However, more than eleven months have passed since the initiation of registration of the FIR. The police authorities would take effective measures and put in efforts for submission of report under Section 173 of the Code of Criminal Procedure preferably within a period of sixty days. The learned Magistrate at the time of taking cognizance of the offence would check whether the nature of the offence complained of and the efforts put in by the investigating officer adhere to the provisions of the Code for collection of evidence.

With the aforesaid observations, the writ petition being WPA 19325 of 2024 is disposed of.

There will be no order as to costs.

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

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

(Tirthankar Ghosh, J.)