

128 25.09.2024

G.S.Das

Rabin Sapui
-Vs-
The State of West Bengal & Ors.

Ms. Somoshree Saha
... for the petitioner

Mr. K.J. Yusuf
Ms. Rupsha Chakraborty
... for the State

Affidavit of Service so filed be
kept with the record.

Two Reports submitted by the
State be also kept with the record.

The grievance of the petitioner is that the petitioner is having additional materials which were not collected in course of investigation and the petitioner intends to make the same as part and parcel of the evidence before the court.

From the reports, it is reflected that on completion of investigation, charge-

sheet has been submitted before the learned jurisdictional court.

Accordingly, the petitioner would be a liberty to prefer an application either under Section 173(8) of the cr.p.c. or, under Section 193(9) of the BNSS before the learned ACJM, Uluberia or before the transferee court.

As the petitioner apprehends that he may be harassed as he complains of being threatened while in transit to the learned jurisdictional court, he would report to the Officer-in-charge/Inspector-in-charge of Dasnagar Police Station, who would make all arrangements, if required, and communicate with his counterpart at Penoro Police Station.

It would be the discretion either of the police authorities to extend protection to the petitioner, if he intends to go to the court and prefer such an

application. All cooperation be extended to the defacto-complainant/petitioner in this case, whose son has died in respect of which the investigation has been conducted by the police authorities.

The learned ACJM, Uluberia is directed to exercise his/her discretion as to whether further investigation is called for in this case or not.

With the aforesaid observations, WPA 19712 of 2024 is disposed of.

Pending application(s), 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.)