

Sl.No.

65 04.10.2024

Court

No. 35

G.S.Das

WPA 19667 of 2024

Habib Khan

-Vs-

The State of West Bengal & Ors.

Mr. Pradip Kumar Kundu

... for the petitioner

Mr. Suman Sengupta, Sr. Govt. Adv.

Mr. Sambuddha Dutta

Mr. Sanatan Panja

... for the State-respondent

Report submitted by the State be
kept with the record.

The report reflects that pursuant to
the complaint so made, a case has been
registered being Rabindranagar P.S. Case
No. 361 of 2024 dated 20.07.2024 under
the relevant provisions of BNS.

Learned advocate for the petitioner
submits that in spite of the injuries being
inflicted, which resulted in amputation of
finger, yet, the police authorities were
reluctant to arrest the accused persons.

In course of investigation, arrest

is prerogative of the investigating officer and a Court of law cannot direct the investigating officer whether to arrest or not to arrest any person(s). However, if the accused, who has been named in the FIR, takes the law in his own hand in course of investigation, the petitioner/defacto-complainant will be at liberty to approach the learned jurisdictional court *in seisin* of the Rabindranagar P.S. 361 of 2024.

The learned Court will take into account that the complainant is an injured witness of the case and, accordingly, under the Witness Protection Scheme or the relevant provisions of BNS, I direct that necessary steps be taken by the investigating officer.

With the aforesaid directions, WPA 19667 of 2024 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.

(Tirthankar Ghosh, J.)