

D/L 40
13.11.2024
Kausik
ct.no.35

W.P.A. 23876 of 2024

XXX
Versus
Sate of West Bengal & Ors.

Mr. Sridhar Chandra Bagari

...for the petitioner

Mr. Apalak Basu
Ms. Sanghamitra Mridha

...for the respondent no. 5

Mr. Suman Ghosh
Ms. Munmun Tewari

...for the state.

Petitioner is aggrieved by the mode and manner of investigation conducted by the concerned officer of Baruipur Police Station. According to the petitioner police authorities did not co-operate with the defacto complainant and no materials were collected. As such the same paved the way for the accused to obtain anticipatory bail. It has also been alleged that no information has been furnished regarding the progress of the investigation, neither the copy of the complaint was handed over to the petitioner.

Petitioner submits inspite of the heinousness of the offence, very casually the investigating agency has progressed.

Affidavit of service so filed be kept with the record.

Learned advocate for the state submits that police authorities, after concluding the investigation, has submitted charge-sheet before the jurisdictional court under the provisions of section 341, 354B and 376 of the Indian Penal Code. Further the seized alamats has been sent to the FSL on 27.09.2024. The records reflect that the case is pending before the learned ACJM, Baruipur. In view of the FSL report pending, police would pursue the same if any evidence transpires from the opinion of the FSL experts.

ACJM, Baruipur would assess from the investigating agency as to whether any further witnesses are to be examined in the alternative steps may be taken as expeditiously as possible for committing the case to the court of sessions.

A copy of the report has been handed over to the learned advocate appearing on behalf of the petitioner.

Learned advocate appearing for the petitioner prays for the case to be tried by a fast track court.

Such a prayer may be considered by the transferee sessions judge, who would see regarding the availability of such fast track court and assign the records of the case for trial and disposal.

If the petitioner has any grievance, petitioner would address the same before either the learned ACJM, Baruipur or the learned sessions judge who would be in seisin of the case.

With the aforesaid observations WPA 23876 of 2024 is disposed of.

Learned advocate for the respondent no. 5 submits since no affidavits have been called for, the allegations and/or contentions in the writ petition may be considered to be denied. As a criminal trial is about to commence, the averments in the writ petition obviously will not be considered as a primary evidence before the learned trial court.

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

(Tirthankar Ghosh, J.)