

M/L85
04.11.2024
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ct.no.35

W.P.A.23998 of 2024

**Dibyandu Saha @ Dibyendu Saha
Versus
State of West Bengal & Ors.**

Mr. Moyukh Mukherjee
Mr. Prasanta Kr. Saha
Mr. Abhijit Singh
Ms. S. Banerjee
Mr. Sufal Kundu.

...for the petitioner.

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee.

...for the State-respondents.

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

Learned advocate appearing for the petitioner
is aggrieved by the act and actions of the investigating
officer and has series of allegations against him
starting from the issuance of memo arrest, seizure,
alleged corruption and several conduct which are
unbecoming of public servant particularly an
investigating officer who has been vested with the
powers of investigation.

Mr. Banerjee, learned advocate appearing on
behalf of the State has submitted a report. Report
reflects that on a representation being made by the
petitioner, specific steps have been taken by the
Barrackpore Police Commissionerate and the

investigating officer who was investigating the case was closed and the case has been re-endorsed to another investigating officer.

According to the learned advocate appearing for the petitioner, mere re-endorsement of the investigation to another investigating officer do not serve his purpose in view of the harassment which he has suffered and the act and actions of the public servant i.e. investigating officer is concerned.

I have considered such submissions, but prima facie I find as the superior officers have already taken steps and there may be series of allegations which require further consideration, I am of the view that under the present provisions of BNSS, 2023, the petitioner would be at liberty to approach the jurisdictional criminal court by invoking the provision of Section 175 (4) of the said Sanita.

In case such application is filed, the learned Magistrate would adhere to the provisions of law and act in consonance with the same particularly with regard to the issue relating to action being taken against public servant.

A copy of the report has been handed over by Mr. Banerjee, learned advocate appearing for the State to the learned advocate for the petitioner.

Copy of the report which has been submitted before this Court be also kept with the record.

In view of the observations made above, the writ petition being WPA 23998 of 2024 is disposed of.

There will be no order as to costs.

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

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

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

(Tirthankar Ghosh, J.)