

D/L 03
11.12.2024
Kausik
ct.no.35

W.P.A. 24573 of 2024

**Fakir Chand Modak
Versus
The State of West Bengal & Ors.**

Mr. Krishna Das Poddar

...for the petitioner.

Mr. Sudeep Sanyal, Sr. Adv.
Mr. Soumya Bhattacharyya
Mrs. Tutun Das

...for the respondent no. 4.

Mr. K.J. Yusuf, AGP
Mr. Saurav Chaudhuri

...for the state.

Petitioner has approached this court invoking the jurisdiction under Article 226 of the Constitution of India challenging the FIR which was registered vide Muchipara Police Station Case No. 10 dated 24.01.2021.

The main thrust of contention is that the basis and foundation of the case is an agreement. Pursuant to which the case was initiated. Earlier on 06.11.2024 a direction was passed by this court for production of the case diary.

Accordingly case diary has been produced by Mr. Yusuf, learned advocate appearing for the state.

Report submitted on behalf of the state reflects that the investigating agency, while submitting the charge sheet, relied upon 5 witnesses and collected 8 documents which they intend to produce in course of the trial.

The said documents were supplied to the present petitioner who has been implicated as an accused in the case under the relevant provisions of law.

Report reflects that charge was framed before the learned Metropolitan Magistrate, 19th Court, Calcutta on 12.02.2024.

Having considered that charge has already been framed in connection with the subject matter of the case wherein FIR has been challenged this court cannot put the clock back to the stage at which the petitioner has challenged.

Accordingly, the present writ petition is not maintainable.

With the aforesaid observations WPA 24573 of 2024 is dismissed.

Supplementary affidavit filed on behalf of the petitioner be kept with the record.

Learned advocate will take endeavour for proceeding with the trial as expeditiously as possible.

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

(Tirthankar Ghosh, J.)