

14.10.2024
(V/B-19)
Ct. No.7
(Naba)

W.P.A. 24607 of 2024

Smriti Mondal
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Chandra Saha.
...for the Petitioner.

Mr. Amal Kumar Sen, Ld. AGP,
Mr. Lal Mohan Bose.
...for the State.

1. The affidavit-of-service as filed by the petitioner and the report as submitted by the Officer-in-Charge, Gobardanga Police Station dated 14.10.2024, are taken on record.
2. By filing the instant writ petition, the present writ petitioner has prayed for issuance of appropriate writ upon the learned Chief Judicial Magistrate, Barasat for issuance of warrant of arrest against the private respondent in connection with Gobardanga PS Case No. 33 of 2023 dated 04.02.2023 under Sections 363/365 IPC along with subsequently added Section 6 of POCSO Act.
3. On perusal of the report as submitted on behalf of the State, it reveals that subsequent to the initiation of the aforementioned PS Case, the victim was recovered and her statement was

recorded under Section 183 of Bharatiya Nyaya Sanhita. It reveals from the report that in course of investigation, the IO is making all possible attempt to apprehend the accused persons. It is trite law that a writ jurisdiction should not be invoked especially when there is availability of alternative remedy.

4. From the materials as placed before this Court it reveals that pursuant to the written complaint F.I.R. was registered and law was set into motion. It reveals further that investigation has not yet been completed. From the report of the Officer-in-Charge of the aforementioned police station, it reveals that the investigation of the aforementioned PS Case was going on satisfactorily.
5. In view of such, this Court finds no reason to invoke its plenary power especially when a competent Court of law exercising criminal jurisdiction is in seisin over the matter.
6. In view of such, I find no reason to entertain the instant writ petition.
7. The instant writ petition is devoid of any merit and is thus dismissed.
8. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon

compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)