

06.11.2024
Item No.130
Ct. No.35
dc.

W.P.A. 24878 of 2024

**Iftekhar Khan @ Shahzad
versus
The State of West Bengal & Ors.**

Mr. Tarique Quasimuddin,
Mr. Rahul Kumar Mahato ... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Sougata Mitra ... For the State.

Affidavit-of-service filed in Court today be
kept with the record.

Learned advocate appearing for the petitioner submits that the petitioner has sufficient materials in his custody to dislodge the contents of the charge-sheet which has been submitted in connection with Golabari Police Station Case No. 174/2023 dated 01.06.2023. Learned advocate submits that no notice under Section 41A of the Code of Criminal Procedure was issued. The petitioner was shown as an absconding accused and in spite of the police authorities being in knowledge, the petitioner was never called, either interrogated or directed to produce any documents. No show-cause notice has also been issued. The petitioner submits that there has been a matrimonial dispute and for that the petitioner was called in for settlement and subsequently on distorted set of facts, an investigation has commenced and petitioner has become an accused as also a victim of the circumstances.

Mr. Banerjee, learned AGP appearing for the State submits that the police authorities on conclusion of investigation has already submitted charge-sheet before the jurisdictional court on or about October, 2023 and since then more than a year has lapsed. The jurisdictional criminal court has taken cognizance of the offence.

Responding to such contentions of the State, learned advocate for the petitioner submits that a direction for further investigation be passed considering the fact that the petitioner is in the shoes of an accused and under the relevant provisions of law, an accused has no right to pray for further investigation.

I have considered the submissions of the learned advocates for the petitioner and the State. The petitioner has other remedies in law and a court of law cannot create a circumstance directing the investigating agency to carry on an investigation in a particular manner so that the initial charge-sheet which has been submitted is thereafter diluted in respect of the charges which have been levelled.

The petitioner is granted liberty to approach the jurisdictional criminal court, if there is material in his possession, considering that the concept of case and counter-case is not alien to the jurisprudence of criminal law. If such an

application or case is initiated, the jurisdictional criminal court will consider the same in accordance with law.

With the aforesaid observations, the writ petition being WPA 24878 of 2024 is disposed of.

There shall be no order as to costs.

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

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

(Tirthankar Ghosh, J.)