

WPA 24371 of 2023

Sandeep Bag
Vs.
The State of West Bengal & Ors.

Mr. Ranajit Roy.
..for the petitioner.

Mr. Suman Sengupta Id. Sr. Govt. Adv.,
Mr. Dwaipayan Basu Mallick.
...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the de facto complainant of this case and is the brother of one of the victims. Two persons were brutally murdered by the local miscreants who are involved in syndicate business. Investigation has not been done properly. During pendency of the writ petition, a charge sheet has been filed. Subsequently, there were threats and assaults made to one of the witnesses, but no action was taken by the police in this regard. There is fear that none of the witnesses, if at all properly cited, would venture to depose during trial.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The case has been thoroughly investigated by the concerned Investigating Officer. All necessary steps were taken. Finally a charge sheet was

submitted, inter alia, under Section 302 of the Penal Code. Out of 13 accused, 9 were arrested and steps are being taken to apprehend the absconding accused. Liberty has been prayed for filing a supplementary charge sheet. In fact, there were other cases started against some of the accused because of their antisocial activities in the locality. Prayer has been made for appointment of a Special Prosecutor to conduct the trial.

It appears that during pendency of this application, a charge sheet has been submitted.

If the petitioner is aggrieved with the outcome of the investigation, he shall be at liberty to file a protest petition before the learned Trial Court.

The police authorities shall also take necessary steps in case there are complaints of threat, intimidation or assault made to the de facto complainant or other witnesses.

The petitioner shall also be at liberty to pray for police protection in case he apprehends any danger to his life. In such event, the prayer shall be disposed of by the authorities in accordance with law.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)