

Item No.10

11.06.2024
Ct-14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 24949 of 2023
with
CAN 1 of 2023
Samaresh Banerjee
v.
The State of West Bengal & Ors.

Mr. S.R.Das
Mr. K.P. Mukhopadhyay
Mr. S. Rakshit
... for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Ritesh Kumar Ganguly
... for the State.

Mr. Arnab Sinha
Mr. Dyutiman Banerjee
Mr. Vishal Mallick
... for the added respondent.

Mr. N.L. Singhania
Mr. Debapriya Samanta
... for UOI.

The petitioner is an unfortunate father who lost his son on the 2nd of March, 2021. A police case was registered under Section 302 IPC. Charge-sheet and supplementary charge-sheet have been filed before the learned Court trying the case. The petitioner is dissatisfied in the manner in which the investigation has been made.

The petitioner refers to paragraph 7 of the writ petition and submits that the Investigating Officer failed to interrogate certain persons who were present in the

house where the incident occurred leading to the death of his son.

Further allegation of the petitioner is that the mobile phone of the victim has not been traced out by the police till date.

Learned advocates representing the State respondents have placed before this Court the supplementary charge-sheet dated February 10, 2023 in support of the submission that the Investigating Officer collected the evidence from the persons whom he found relevant. This is not a case of family feud. The persons who were found relevant were interrogated and evidences collected. The FSL examination report has also be placed on record. The date of fixing the charge is in the month of June 2024.

Attention of the Court has also be drawn to the order dated February 6, 2023 passed by a coordinate Bench of this Court in the earlier writ petition filed by the petitioner being WPA 18857 of 2021 where the Court clearly recorded that the Court does not find any ground to transfer investigation at that stage to a third agency. The Court recorded that no case appears to have been made out for such transfer.

It appears from the submissions made on behalf of the parties that the charge-sheet and the supplementary charge-sheet are already on record. The petitioner submits to be dissatisfied with the manner in which the investigation proceeded.

Prima facie, the Court does not find that there is any reason to accept the petitioner's prayer for transferring the investigation to a third agency at this stage.

It will, however, be open for the petitioner to approach the learned Court where the trial is pending for necessary relief seeking further investigation in the matter, if so advised.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, New Barrackpore Police Station signed on May 20, 2024 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)