

18.11.2024
Item No.16
Ct. No.35
dc.

W.P.A. 27035 of 2024

Sukumar Naskar
versus
The State of West Bengal & Ors.

Mr. Debayan Sen,
Mr. Sumalya Chakraborty ... For the Petitioner.

Mr. Jayanta Samanta,
Mr. Kazi Sajjad Alam ... For the State.

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

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

Learned advocate appearing for the petitioner submits that 23 FIRs have been registered against the accused/private respondent nos. 6 to 10.

Learned advocate appearing for the State submits that the accused/respondents were arrested previously in other cases, but so far as the present case being Sonarpur Police Station Case No. 1198/2024 dated 03.09.2024 is concerned, they are not arrested and it has been submitted that in spite of efforts, the police authorities are unable to trace them.

In view of the circumstances so portrayed by the State, the grievance of the petitioner seems to be justified. Accordingly, I direct the Investigating Officer of the case to exhaust harsher process of

law by advancing appropriate prayers before the jurisdictional Magistrate. The jurisdictional Magistrate would not delay as *prima facie* there was a direction by a Division Bench in WPA (P) 223 of 2024 in respect of the offences complained of and the magnitude of the offence. If the accused/respondents are not available, the State would exhaust the remedy with prayers for cancellation of bail in cases where the accused/respondents herein have been granted bail. No stone would be left unturned by the police authorities for collection of evidence, examination of the relevant witnesses as also the documents which are required to prove the case.

Presently, it has been contended in the report that the expert opinion of QDEB, CID is awaited. Once the same is received, the investigating agency would arrive at their opinion regarding the final outcome of the investigation of the case.

In view of the grievance of the petitioner, at this stage of investigation, the same seems to be addressed. The petitioner would approach this Court after the QDEB report along with the report under Section 193 of BNSS is submitted before the jurisdictional court or if there is a prolonged time consumed by the investigating agency in submitting report under Section 193 of BNSS.

With the aforesaid observations, the writ petition being WPA 27035 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.)