

D/L 10
05.12.2024
Kausik
ct.no.35

W.P.A. 28405 of 2024

**Banisree Chatterjee & Anr.
Versus
State of West Bengal & Ors.**

Mr. Sayak Chakraborti
Mr. Wrickbrata Roy
Mr. C. Pal
Mr. Iswar Das
Mr. S. Chatterjee

...for the petitioner.

Mr. Ritwik Pattanayak

...for the respondent no. 5.

Mr. Dipanjan Datta
Ms. Sukanya Datta

...for the state.

Affidavit of service so filed be kept with the record.

Petitioner is aggrieved by the manner in which the investigation is progressing in connection with Netaji Nagar PS Case No. 37 dated 13.03.2024. The main grievance of the petitioner is that the accused persons are not being arrested.

Report submitted by state be kept with the record. Report reflects that in the FIR there are three accused persons. One being the company and two other persons being Ratan Mishra and Avijit Paul Chowdhury.

Report also reflects that the accused Ratan Mishra appeared before the learned court and he was enlarged on bail.

Petitioner prays for arrest of Avijit Paul Chowdhury.

Arrest is a part of the investigation and it would be the discretion of the investigating officer whether to arrest an accused or not. The power to arrest a person and exercising the power to arrest are two different steps. A court of law will not direct arrest of a person, until an appropriate prayer is advanced by the investigating officer in that respect.

Further the investigation of the case is in progress. Report reflects that inspite of serving notice under section 91 Cr.P.C., the complainant is unable to produce certain documents.

Investigation in cases of such nature, as has been complained of, is based on documents. Petitioner would cooperate with the investigating agency to take the investigation to its logical conclusion.

With the aforesaid observations WPA 28405 of 2024 is disposed of.

Report so submitted be kept with the record.

A copy of the report be handed over to the learned advocate appearing for the petitioner.

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

(Tirthankar Ghosh, J.)