

5 13.12.2024

G.S.Das

Sajid Alam
-Vs-
The State of West Bengal & Ors.

Affidavit-of-service so filed be kept
with the record.

The petitioner is aggrieved by the manner in which the investigation has been progressing in connection with Karaya P.S. Case No. 270 dated 19.11.2024.

The case was initially registered under Section 308(4)/3(5) of the BNS against some unknown persons. Subsequently, the petitioner informed

regarding the name of the accused persons, pursuant to which the private respondent nos. 5, 6 and 7 surrendered before the Court and were released on bail.

The petitioner alleges that since the respondent no.5 happens to be a relation and there was a proposal for amicably settling the issues for which an apprehension has instilled in the mind of the petitioner that there may be an unfair investigation.

Learned advocate for the State submits that already steps have been taken and the police authorities, presently, are in such a position that they would be filing their report under Section 193 of the BNSS before the learned jurisdictional Court.

Learned advocate for the private respondent nos. 5, 6 and 7 disputes and

denies the contentions and submits that as a law abiding citizen(s), when it came to their knowledge, they surrendered before the jurisdictional court and were released on bail.

The petitioner, at this stage, when the investigation is in progress, do not have any document and/or circumstance to justify regarding the mode and manner of progress of the investigation. It is only the apprehension in the mind of the petitioner. The nature of the offence complained of is such that the materials which are to be collected are in the form of electronic mode.

Having considered the same and the submissions advanced on behalf of the State that very shortly they will be filing their report under Section 193 of the BNSS before the learned jurisdictional Court, I direct that the petitioner would, if

such report is submitted, obtain copies on which the prosecution intends to rely and, thereafter, ventilate his grievance by way of filing an application under Section 193(9) of the BNSS before the learned jurisdictional Court.

Needless to state that the learned Magistrate, at that stage, would consider the issue whether the apprehension expressed by the petitioner was justified and, thereafter, decide such application within a limited period of time, if at all filed, in accordance with law.

With the aforesaid observations, WPA 28922 of 2024 is disposed of.

Report so submitted be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

