

14.06.2024
Ct. No. 14
Sl. No.82
(M.L.)
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 27610 of 2023

**Anima Adhikary
Versus
The State of West Bengal & Ors.**

Mr. Arup Kundu
Mr. Abhinaba Dan
... For the petitioner.

Mr. Rajarshi Basu
Mr. S. T. Mina
... For the State.

Ms. Pampa Dey (Dhabal)
Mr. Krishna Deo Das
Ms. Sangita Banerjee
... For the private respondent.

On an incident of assault, the petitioner lodged a complaint before the police. A case was registered being FIR No.222/2022 dated 17th October, 2022.

Initially, the Sections under which the FIR was lodged was 325/326/307/506/34 I.P.C. After investigation, the police has filed charge sheet but the Sections have been changed. Charge sheet has been filed under Sections 341/323/324/506/34 I.P.C.

It has been submitted that police has deliberately incorporated the Sections with lesser punishment.

The petitioner is not satisfied with the manner in which the investigation was conducted and charge sheet filed. The medical reports and the documents in connection with the said case were not incorporated in the case diary and, accordingly, the allegations were not properly investigated prior to filing the charge sheet.

Learned advocate representing the State respondents relies upon a report forwarded by the Inspector-in-Charge, Bishnupur Police Station signed on 3rd May, 2024.

On a perusal of the documents placed before this Court and upon hearing the submissions made on behalf of the parties, it appears that charge sheet has already been filed before the learned Court where the trial is to start.

As the petitioner is dissatisfied with the manner in which the investigation has progressed and as the petitioner has expressed apprehension with regard to the fairness of the police officers in conducting the investigation, accordingly, leave is granted to the petitioner to approach the learned Trial Court for relief.

In the event the petitioner makes a prayer for transferring the investigation to a different authority or for conducting the investigation by a superior authority, the learned Court shall consider the prayer of the petitioner in accordance with law.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)