

Court No. 2
09.07.2024
Item No.20
dc.

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 628 of 2024

Ms. Elham Derakhshanpoor & Anr.
VS
The State of West Bengal & Ors.

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Mr. Sabir Ali,
Ms. Mrinmayee Das,
Mr. Manish Gupta
... for the petitioners.

Mr. Subir Kuamr Saha,
Ms. Bedashruti Bose,
Mr. Nabankur Paul,
Ms. Rima Sarkar
... for the State.

Report dated 08.07.2024 submitted by the
State be kept with the record.

It is reflected from the report that after investigation of Kotwali Police Station Case No. 190/2024 dated 22.02.2024, charge-sheet has been filed before the jurisdictional court being the learned Chief Judicial Magistrate (S) Court, Cooch Behar. As the charge-sheet has been enclosed along with the report which is dated 12.05.2024, presumably the report under Section 173 of the Code of Criminal Procedure was filed before the jurisdictional court in the month of May, 2024. As the investigating officer has *prima facie* come to a conclusion and submitted the charge-sheet for alleged offences under Sections 465/467/468/471 of the Indian Penal Code and

Section 14A of the Foreigners Act, 1946, I am of the considered view that the remedies prayed for in the writ petition at this stage cannot be considered as the jurisdictional court is in seisin of the prosecution case.

The petitioners are granted liberty to pray for the remedies/reliefs claimed for in the writ petition by taking out appropriate application before the learned court in seisin of the charge-sheet filed in connection with Kotwali Police Station Case No. 190/2024 dated 22.02.2024.

With the aforesaid observations, the writ petition being WPA 628 of 2024 is disposed of.

Pending connected application, if any, is consequently 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.)