

**17.01.2025**  
Item No.27  
Ct. No.35  
dc.

**W.P.A. 180 of 2025**

**Goutam Mondal**  
**versus**  
**The State of West Bengal & Ors.**

Mr. Atis Kumar Biswas,  
Mrs. Jyoti Agarwal ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP,  
Mrs. Tuli Sinha ... For the State.

Mr. Manas Kumar Das,  
Mr. Asrat Mandal,  
Mr. Tushar Sil,  
Mr. Tanbir Mandal ... For the Respondent No.8.

Report submitted by the learned advocate  
appearing for the State be kept with the record.

The petitioner is aggrieved by the fact that  
the statement of the child under Section 183 of the  
BNSS has not been recorded by the investigating  
agency.

State has submitted a report which reflects  
that such a prayer was advanced before the learned  
jurisdictional court. However, since the learned  
Judicial Magistrate was absent on two occasions  
i.e. on 06.01.2025 and 15.01.2025, such statement  
could not be recorded as the same is beyond the  
control of the investigating agency. The next has  
been fixed by the learned Judicial Magistrate on  
21.01.2025.

Mr. Das, learned advocate appearing for the  
respondent no.8 submits that the respondent no.8  
has already been granted anticipatory bail.

In view of the anxiety expressed by Mr. Biswas, learned advocate appearing for the petitioner and the report submitted on behalf of the State, I direct that the learned Judicial Magistrate would put in efforts so that recording of the statement of the child can be completed on 21.01.2025 itself.

The petitioner undertakes that the child will be available before the court on 21.01.2025.

In case any seizure list or other documents which the petitioner is entitled under the law to receive, but has not received, the petitioner will make an application before the investigating officer which the investigating officer would hand over on such application being made, provided in course of investigation, the petitioner is entitled to such documents.

With the aforesaid observations, the writ petition being WPA 180 of 2025 is disposed of.

There will 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.)**