

D/L 1  
28.07.2025  
ct.no.35  
Kausik

**W.P.A. 1935 of 2025**

**XXX XX XXX  
Versus  
The State of West Bengal & Ors.**

Ms. Pampa Dey Dhabal

...for the Petitioner.

Mr. Amitabha Ghosh  
Mr. Madan Mohan Roy  
Mr. Anup Kumar Samanta

...for the respondent no. 4.

Mr. Swapan Banerjee  
Mr. Soumen Chatterjee

...for the State.

Petitioner approached this Court being aggrieved by the manner in which investigation was conducted and no efforts have been made by the Investigating Agency to trace out the accused persons.

Mr. Banerjee, learned advocate for the State submits that supplementary charge sheet has already been submitted. However, the records reflect that the principal accused is absconding and warrant of arrest has been issued.

Learned advocate appearing for the respondent no. 4 submits that anticipatory bail has

been preferred before the Court having determination.

Having considered that the police authorities have put in efforts and the reports before this Court reflects that the informations received were worked upon and the police authorities tried to trace out the accused person but the person was not traceable, at different location including his place of employment that is, Khadya Bhawan. Even investigation revealed that he was not withdrawing the salary from November, 2024.

Having regard to the fact that the petitioner was evading the process of law for a considerable period of time and there is no interim protection for execution of the process issued by the jurisdictional Court, until and unless an appropriate direction is passed there is no bar for the police authorities to exercise their rights as is directed by the concerned Court.

The case was registered on 27.09.2024, the concerned Court thereafter took cognizance of the offence, as such the Court should assess whether the provisions of the Bharatiya Nyaya Sanhita, 2023 will apply in the present case and accordingly proceed with the case.

With the aforesaid observations WPA 1935 of 2025 is disposed of.

Report submitted be kept with the record.

Case diaries be returned to the learned advocate appearing for the State.

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

***(Tirthankar Ghosh, J.)***