

14.02.2025
Item No.2
Ct. No.35
dc.

W.P.A. 2301 of 2025

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

Mr. Sankar Prasad Dalapati,
Mr. P. Choudhury,
Mr. Asumdipta Santra ... For the Petitioner.

Mr. Wasim Ahmed,
Mr. Sk. Md. Masud ... For the State.

Ms. Sambrita B. Chatterjee ... For the Respondent No. 5.

Ms. Soni Ojha ... For the Respondent No. 6.

Pursuant to the earlier order dated 10.02.2025, FSL report has been handed over to the learned advocate appearing for the petitioner. However, from the *post mortem* report I find that death of the deceased was due to “effects of poisoning”. However, the forensic report reflects that poison could not be detected either in the viscera or in the sample of *post mortem* blood said to be of deceased Sekh Suraj.

In view of the aforesaid, the investigating agency would seek a medical opinion either from the doctor or from the forensic experts as to which are the poisonous substances which, if consumed, cannot be subsequently detected in the viscera. Let such opinion be obtained from any of the experts before the report under Section 173 of the Code of Criminal Procedure is filed in the jurisdictional court.

An officer in the rank of SDPO/DSP/Addl.S.P. will monitor the investigation from this stage onwards till submission of the report under Section 173 of the Code of Criminal Procedure so that before the report under Section 173 of the Code of Criminal Procedure is filed in the jurisdictional court, the superior officer must be confident that all efforts have been taken to unearth the truth.

With the aforesaid observations, the writ petition being WPA 2301 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.)