

Sl.No.
I 08.04.2025
Court
No. 35
G.S.Das

WPA 2311 of 2025
Md. Samsuddin
-Vs-
The State of West Bengal & Ors.

Mr. Aniket Mitra
Mr. Tapas Singha Roy
... for the Petitioner(s)
Ms. Sonal Sinha
Ms. Munmun Ganguly
... for the State-respondent(s)

The petitioner is aggrieved with the investigation in connection with Uttarpara P.S. Case No. 385 of 2024 dated 12.11.2024.

However, a report has been submitted by the State prepared by the Inspector-in-charge of Uttarpara P.S. The report reflects that the case has been committed to the Court of Sessions and, subsequently, has been transferred to the learned ADJ, 1st Court, Serampore, Hooghly for trial. The report also speaks that charge has already been framed on 04.04.2025 and the next date has been

fixed on 3rd May, 2025 for evidence.

In view of the progress of the case, at this stage, it would not be fit and proper for this Court to interfere with the merits as also the prayers as canvassed in the writ petition.

However, the petitioner would be at liberty to invoke the provisions of Section 193(9) of the BNSS before the learned trial court, if he is aggrieved by any part of the investigation.

The petitioner further alleges that he is being threatened by some of the accused persons who, according to the petitioner, are absconding.

Absconding of an accused in the present *Sanhita* do not debar proceeding with the trial as the new provisions incorporates trial *in absentia*. If any of the accused persons is evading the process of law, the learned trial court would exhaust the process and follow the provisions of

Section 356 of the BNSS.

If the petitioner and/or any of his family members takes out any application to the fact that they are being threatened for being a witness and/or witnesses in the criminal case, in that case, the learned trial court would invoke the provisions of the Witness Protection Scheme, 2018 and, to that effect, will call for a threat perception report and pass directions according to the Scheme.

With the aforesaid observations, WPA 2311 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)

