

10.02.2025
Court No. 35

Item No.38
Rakib

W.P.A. 2629 of 2025

Md. Shah Faisal.
VS
The State of West Bengal & Ors.

Mr. Sobhan Gani,
Mr. Md. Aqib Badr,
Mr. Shakti Shivam.
... for the Petitioner.

Mr. Suman Sengupta,
Ms. Amrita Panja Moullick,
Mr. Sanatan Panja.
... for the State.

Petitioner submits that during the pendency of the writ petition police authorities have already registered case being Rajabagan PS case no. 19 dated 05.02.2025 against six accused persons. However, the present grievance of the petitioner is with regard to the sections which have been incorporated for registration of the investigation of the said case. To that effect petitioner has relied upon the judgment of this Court in Dum Dum Ramkrishna and Vivekananda Seva Pratisthan and Anr. -Vs. - State of West Bengal and Ors. [W.P. No. 8785 (W) of 2016].

Learned advocate for the State has submitted a report. Report reflects that the case has been registered under Sections 308(5)/118(1)/3(5) of the BNS read with Sections 25/27 of the Arms Act.

Learned advocate for the State submits that the sections which have been incorporated are

inconsonance with the accusations made in the letter of complaint and the enquiry conducted prior to registration of the FIR.

I have considered the submissions of the learned advocate for the petitioner as well as the State and I find that the police authorities have commenced investigation only five days and investigation is a continuous process, if in course of investigation the police authorities are able to unearth offences which may incorporate grievous/heinous offences attracting the sections which prescribes punishment which is much more than the sections which have been incorporated in the FIR the police authorities would do the same at the appropriate stage when such facts are revealed.

For the time being, I do not find that there is any scope for interference as the purpose for which the writ petition has been preferred has already been subserved, I am of the view that further pendency of the writ petition is unwarranted. Police authorities will effectively take steps to take the investigation of the case to its logical conclusion.

With the aforesaid observations WPA 2629 of 2025 is disposed of.

Report submitted by the State be kept with the record.

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.)