

D/L 306
23.07.2025
Bpg.
ct.no.35

W.P.A.3383 of 2025

**Kollol Podder
Versus
The State of West Bengal & Ors.**

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
Ms. Zannat Haque.
...for the petitioner.

Mr. Wasim Ahmed
Mr. Sk. Md. Masud.
...for the State-respondents.

Mr. Arun Kumar Maiti (Mohanty)
Mr. Subhash Chandra Basu
Mr. R.R. Mohanty
Ms. Snigdha Ghosh
Mr. Shivam Saha
Ms. Puspita Chowdhury
Ms. Awantika Bajpi
Ms. Rajorna Mazumder
Ms. Deblina Basu.
...for the respondent no.4.

Petitioner is aggrieved in respect of the investigation carried out by the investigating of Baguiati Police Station. So far as the outcome in Baguiati P.S. Case No.44 of 2025 dated 19.01.2025 is concerned, according to the petitioner, there was commission of theft in respect of furniture and fixture along with other articles. To that effect, petitioner intended to handover the invoices but the same was not accepted neither any investigation was carried out

on the said aspect, as such, the petitioner prays that specific directions be passed.

Learned advocate for the petitioner submits that Title Suit being No.1354 of 2023 is pending before the learned Civil Judge (Senior Division) at Barasat at the instance of the private respondent.

On the other hand, Mr. Maiti, learned advocate appearing on behalf of the respondent no.4 submits that there was a leave and licence agreement, the same expired and thereafter there was an issue relating to forceful possession at the behest of the petitioner which resulted in the incident complained of, consequent to which, Baguiati P.S.43 of 2025 was registered for investigation.

Mr. Ahmed, learned advocate appearing for the State has produced both the case diary.

I have perused the case diary of Baguiati P.S. Case No.43 of 2025 and Baguiati P.S. Case No.44 of 2025. I find in Baguiati P.S. Case No.44 of 2025 one accused person has only been charge-sheeted although the investigating officer disbelieved the factum of any theft but the witnesses have stated so far as infliction of injury is concerned regarding two persons.

Mr. Maiti, learned advocate appearing for the respondent no.4 submits that there is no person in

the name of Kamal Sen existing who has been named by the witnesses.

If an investigating officer comes to a conclusion relying upon the testimony of certain witnesses, in that case, it is the duty of the investigating officer not to partially believe the witness but to completely believe the witnesses as at the pre-cognizance stage a charge-sheet should be submitted only when the investigating officer is at least confident that the charges would stand in a court of law. There is no scope in criminal law that even if the investigating officer is not confident regarding the outcome of the investigation, he is compelled to come to a conclusion to make out a charge forcefully. This is not only restricted to Baguiati P.S. Case No.44 of 2025 but also applies to the investigation of Baguiati P.S. Case No.43 of 2025.

Accordingly, I direct the Inspector-in-Charge, Baguiati Police Station to revisit the materials collected in course of investigation of both the cases. If required, the Inspector-in-Charge will inform the learned Magistrate that further investigation is required to be carried out for unearthing the truth and reach at a just and proper conclusion in respect of both the cases.

Consequently, the cognizance taken by the learned CJM, Barasat in connection with both Baguiati P.S. Case No.44 of 2025 and Baguiati P.S. Case No.43 of 2025 is hereby set aside.

The Inspector-in-Charge, Baguiati Police Station, if required, will take the assistance of a separate investigating officer whom he deems fit and proper for the investigation of this case.

With the aforesaid observations, WPA 3383 of 2025 is disposed of.

There will be no order as to costs.

Case diary 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.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)