

11.03.2025
Item No.19
Ct. No.35
dc.

W.P.A. 4609 of 2025

**Rakhahari Ghosh
versus
The State of West Bengal & Ors.**

Mr. Kallol Mondal, Sr. Adv.,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Akbar Laskar ... For the Petitioner.

Ms. Jhuma Chakraborty,
Ms. Munmun Tewary ... For the State.

Affidavit-of-service filed in Court today be kept with the record.

Report submitted by the learned advocate appearing for the State be also kept with the record.

The petitioner is aggrieved by the fact that Suti Police Station Case No. 902/2024 was registered for investigation on 04.12.2024 wherein one of the injured succumbed to the injuries. The petitioner happens to be another injured person who has approached this Court as some of the accused persons are still threatening him.

State has submitted a report which reflects that in course of investigation Udhav Ghosh and Prasenjit Ghosh were arrested. Police authorities on 07.01.2025 prayed for issuance of warrant of arrest against six accused persons. Subsequently on 22.02.2025, Jadab Ghosh and Adhir Ghosh were arrested.

Some of the accused persons are still absconding, processes have been issued, but

further investigation is still being proceeded and it reflects that after FSL report is received, supplementary charge-sheet would be submitted before the jurisdictional court. However, in the charge-sheet, I find that the accused persons being Radhu Ghosh, Partha Ghosh, Pijush Ghosh, Choton Ghosh and Iswar Ghosh are absconding.

In case the police authorities are unable to trace out the aforesaid absconding accused persons and prayers have been advanced for harsher process of law, the learned Magistrate in seisin of the matter keeping in mind that the case is under Section 103(1) of BNS would expedite the steps as prescribed so that all the accused persons can be brought to book or in the alternative, steps can be taken for splitting up of the trial for commitment to the court of sessions.

In view of the gravity of the offence, I direct that the Addl. SP/SDPO/DSP in-charge of Suti Police Station would take steps for execution in respect of the processes/harsher processes for tracing out the accused persons and submit the report before the concerned court within the scheduled period of time so that unnecessarily the trial of the case is not delayed.

In case the victim or any of his family members informs the jurisdictional court in respect of any threat, then in that case, a threat perception

report be called for from the concerned police authorities and the Magistrate will exercise his discretion for granting necessary reliefs under the Witness Protection Scheme, 2018.

With the aforesaid observations, the writ petition being WPA 4609 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.)