

13.03.2025

Court No. 35

Item No.28

Rakib

W.P.A. 4794 of 2025

Bikash Agarwal.

VS

The State of West Bengal & Ors.

Mr. Neelabha Bera,

Mr. Bodhidipta Mondal.

... for the Petitioner.

Mr. Imran Siddiqui.

...for the respondent nos. 10&11.

Ms. Sabnam De Bardhan,

Ms. Rupsha Chakraborty.

... for the State.

Affidavit-of-service filed by the petitioners be kept with the record.

Petitioner is aggrieved by the outcome of the investigation submitted in connection with Narendrapur P.S. Case no. 1275/2021 dated 20.10.2021. According to the petitioner two of the persons have been discharged from the case and two persons have been made accused and one of the accused person is absconding.

State has submitted a report which reflects that certain documents were collected by way of a notice under Section 91 of Cr.P.C. by the investigating officer. However, in the report under Section 173 of Cr.P.C. under the column 'list the documents' it is reflected nil.

Having considered that a case under Section 420 of the IPC cannot be proved without any supporting documents, I am of the view that further investigation is required to be conducted in respect of the present case. It has been informed that earlier an application under

Section 173(8) of the Cr.P.C. was filed before the Jurisdictional Magistrate. However, the petitioner being wrongly advised withdrew the said application. In view of the nature of the charge-sheet which has been submitted, I am of the opinion that the de facto complainant would be seriously prejudiced, in case further investigation is not conducted in this case.

Accordingly, if the petitioner being the de facto complainant, if so advised files an application in that case learned Magistrate will freshly consider the same in accordance with law and arrive at its own conclusion without being influenced by any observations passed by this Court.

With the aforesaid observations WPA 4794 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.)