

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas**

**F.M.A. 438 of 2025
With
CAN 1 of 2025**

**Santosh Sarkar
vs.
The State of West Bengal & Ors.**

For the Appellant : Mr. Uday Sankar Chattopadhyay
Mr. Pronay Basak
Mr. Rajashree Tah

For the Respondent Nos. 5 & 10 : Mr. Kunal Ganguly
Mr. Kaustav Banerjee

For the Respondent Nos. 6 & 7 : Mr. Sauradeep Dutta
Ms. Himadree Ghosh

For the Respondent Nos. 8 & 9 : Ms. Puja Goswami
Ms. Shreya Mondal

For the State : Mr. Suman Sengupta, Sr. Govt. Adv.,
Mr. Sambuddha Datta
Mr. Santanu Panja

Heard & Judgment on : **August 7, 2025**

DEBANGSU BASAK, J.:-

1. Appeal is directed against an order dated February 6, 2025 passed in W.P.A 61 of 2025.
2. By the impugned order, learned Single Judge after noting that the investigation is continuing, directed the Deputy Commissioner of Police in-Charge of Asansol North Police Station to monitor the police case so that the same can be taken to its a logical conclusion within a reasonable period of time.
3. Learned advocate appearing on behalf of the appellant submits that, the daughter of the appellant was murdered. He refers to the police complaint in this regard. He submits that the so-called road accident death is an eyewash and that the victim was actually murdered in a pre-planned manner.
4. Learned advocate appearing for the appellant submits that the Coordinate Bench directed the police to look into certain evidences by an order dated April 21, 2025 and to submit a report in a sealed cover. He submits that, State should comply with such order.
5. Learned advocate appearing for the appellant submits that the appellant is facing threat. Appellant applied for police protection as vulnerable witness before the Jurisdictional Court which was turned down on the basis of the report of the police submitted before the Jurisdictional Court. He submits that, there is no evidence on the part of the appellant on the police. He submits

that, the investigation should be directed to be undertaken by an independent agency.

6. State is represented.
7. Learned advocate appearing for the State submits the report as called for by the Coordinate Bench by the order dated April 25, 2025 in a sealed cover. He submits on instruction that the charge sheet will be submitted within four days from date.
8. We perused the contents of the sealed envelope in Court.
9. Coordinate Bench by the order dated April 25, 2025 required the State to forward the two mobile phones seized for forensic examination. State did so. The mobile phones were examined. Report filed in Court says so.
10. Records placed before us do not suggest requirement to take a different view than that of the learned Single Judge. There is an unfortunate death of the daughter of the appellant to contend with. Apparently, there is a claim that the victim died out of road traffic accident. We hasten to add that we are not returning any conclusive finding as to the cause of death of the victim. The same is to be considered by the appropriate forum.
11. Investigations are being monitored as directed by the learned Single Judge. State is likely to submit charge sheet very soon. Further interference is not called for at this stage.
12. So far as the request for witness's protection is concerned, we find that the request of the appellant in this regard was turned down by the Jurisdictional

Court. Appellant is not remediless so far as such order of the Jurisdictional Court is concerned.

13. In such circumstances, we do not find any ground to interfere with the order impugned.

14. State will nonetheless submit a report before the Jurisdictional Court as expeditiously as possible and preferably within seven days from date.

15. **F.M.A. 438 of 2025** and the connected application being CAN 1 of 2025 are disposed of.

(Debangsu Basak, J.)

16. I agree

S.D.

(Prasenjit Biswas, J.)