

Court No. 35  
**22.01.2025**  
(Item No. 47)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**  
**W.P.A. 6270 of 2024**

XXX Victim  
VS  
The State of West Bengal & Ors.

Mr. Dhananjay Banerjee  
.... For the petitioner  
Mr. Santanu Kumar Mitra  
Mr. Amartya Pal  
.... For the State

Affidavit of service filed in Court today is taken on record.

Petitioner is aggrieved by the fact that inspite of prayers being advanced DNA test in respect of the pre natal stage as well as the female child being born has not been conducted by the investigating agency.

State has submitted a report wherefrom it reflects that at the pre natal stage samples were collected and inspite of approaching different medical colleges none of them had the facility to conduct such test. Ordinarily such tests are conducted by Forensic Laboratories. The investigating officer should have approached the Forensic Science Laboratories under the State or the Central Forensic Laboratory. The case as is reflected from the report has been committed to the Court of Sessions and is before the Additional District and Sessions Judge, first Court, Jangipur, Murshidabad. In such circumstances

petitioner is directed to advance a prayer before the jurisdictional Sessions Court in seisin of the matter. Jurisdictional Sessions Court would if a prayer is advanced and the sample so collected are fit for examination till date direct the officer concerned to send the sample to the Forensic Laboratory. So far as the post natal stage is concerned regarding the child if samples are not being collected and the petitioner is willing in that case investigating officer may be directed to take steps in accordance with law as the report submitted before the Court reflects that the investigating officer is ready to submit a supplementary charge sheet.

With the above observations W.P.A. 6270 of 2024 is disposed of.

The reports submitted be kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioner.

All concerned parties shall act on the serve 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.)**