

02.04.2025
Item No.23
Ct. No.35
dc.

W.P.A. 6128 of 2025

Sudip Koley
versus
The State of West Bengal & Ors.

Mr. Sanjib Mitra ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP,
Ms. Pratiti Das ... 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. A copy of the report be handed over to the learned advocate appearing for the petitioner.

The petitioner is aggrieved in respect of the progress of Chanditala Police Station Case No. 996 of 2024 dated 25.12.2024. According to the petitioner, in spite of suffering grievous injury wherein he was subjected to assault with iron rod at the instance of the private respondent nos.4 to 7, the police authorities are not effectively investigating the case nor they are trying to trace out the principal accused person. To that effect, learned advocate for the petitioner has also drawn the attention of the Court to the orders passed by the learned ACJM, Serampore. Learned ACJM, Serampore has also reflected in his orders regarding the progress of the investigation and at periodical intervals has been calling for status report from the investigating officer of the case.

Investigating officer has collected the documents including the medical reports. However, I find that the principal grievance of the petitioner is in respect of the accused persons who are evading the process of law although two of the accused persons have been arrested, but in respect of others, petitioner apprehends that no effective steps are being taken.

Be that as it may, *prima facie* from the report it reflects that the police authorities are investigating the case and have already conducted raid for arresting rest of the accused persons. In case the accused persons whom the investigating officer feels are necessary for the sake of investigation to be taken to custody and are not traceable, the police authorities would be at liberty to exhaust harsher process of law by taking out appropriate application before the learned ACJM, Serampore. In case the learned ACJM, Serampore is satisfied, he would issue such harsher process of law in aid of the investigation proceeded with by the investigating officer of the case. All efforts be taken by the investigating officer and as the learned ACJM, Serampore has been calling for status report to assess regarding the progress of the investigation, the learned Magistrate would be at liberty to continue with the same at periodic intervals.

The investigating agency is also directed to put in effective and efficient measures for taking the investigation of the case to its logical conclusion.

With the aforesaid observations, the writ petition being WPA 6128 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.)