

28.04.2025

Item No.22

Ct. No.35

dc.

W.P.A. 7809 of 2025

**Seeme Karmakar
versus
The State of West Bengal & Ors.**

Mr. Ayan Bhattacharjee, Sr. Adv.,
Mr. Arka Naha,
Mr. Arani Bhattacharya
Ms. Iman Dey Tapadar ... For the Petitioner.

Mr. Swapan Banerjee, AGP,
Mr. Diptendu Narayan Banerjee ... For the State.

Ms. Sreeparna Das,
Mr. Shubradip Roy,
Ms. Sananda Ganguli ... For the Respondent No.7.

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

The petitioner is aggrieved by the
investigation being carried out and according to Mr.
Bhattacharjee, learned senior advocate appearing
for the petitioner, the investigation was registered
after a considerable period of time when the
de facto complainant had to run from pillar to post
for registration of FIR and after much reluctance,
the police authorities registered case under
Sections 108/3(5) of BNS. Learned senior advocate
submits that the materials are overwhelming and
tilt towards an offence under Section 103 of BNS,
but the police authorities intentionally and
purposely have incorporated Section 108 of BNS.

On the other hand, Mr. Banerjee, learned
AGP appearing for the State has produced the case
diary and drawn the attention of the Court to the

statements which have been recorded before the learned Judicial Magistrate, statements of other witnesses recorded under Section 180 of BNSS, *post mortem* report and other injury reports available in the case diary.

Learned advocate for the respondent no.7 is also present.

I have considered the manner in which the investigation is progressing and having regard to the materials collected by the investigating agency, I am of the view that at this stage of investigation, no interference is called for. However, if in course of investigation, materials surface which appeals to the investigating officer that the culpability of any higher degree is involved with respect to the complicity of any person, in that case the investigating officer would be at liberty to add the Sections. But for the present, there is no scope for interference.

Needless to state that since the State-respondents and the private respondent have not used any affidavit, the allegations and/or accusations made in the writ petition are deemed not to have been admitted.

A copy of the post mortem report be handed over to the learned advocate appearing for the petitioner.

Case diary be returned to learned advocate appearing for the State.

With the aforesaid observations, the writ petition being WPA 7809 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.)