

*Sl.No.* 18.02.2025  
*36*  
*Court*  
*No. 35*  
*G.S.Das*

## **WPA 9593 of 2024**

**Sambhu Naskar**  
**-Vs-**  
**State of West Bengal & Ors.**

Mr. Duke Banerjee  
... for the petitioner(s)

Mr. Santanu Kr. Mitra, Id. Sr. Govt. Adv.  
Ms. Anandamoyee Ghosh  
... for the State - respondent(s)

The petitioner is aggrieved by the fact that initially a case under Section 363 of the IPC and Section 4 of the POCSO Act was registered for investigation by way of Narendrapur P.S. Case No. 41 of 2019.

During pendency of the said case and, subsequent thereto, the petitioner was subjected to threats and, consequently, another case was registered on 24.10.2023 being Narendrapur P.S. Case No. 971 of 2023. On 12.3.2024, another complaint was lodged by the petitioner since his daughter was not available.

However, there is a video recording where his daughter has stated that she has left her home voluntarily. To that effect, Narendrapur P.S. GDE No. 269 dated 04.11.2023 has been registered.

The petitioner now complains that the original Case Diary of Narendrapur P.S. Case No. 971 of 2023 is not available.

The police report also reflects that police authorities submitted charge-sheet before the jurisdictional Court.

Since the petitioner has complained that the original Case Diary is not available, without ascertaining the genuinity of the same, I direct that the learned ACJM, Baruipur *in seisin* of the said case and/or the transferee court, which may be *in seisin* of the said case, would ascertain whether the original Case Diary in connection with Narendrapur P.S. Case No. 971 of 2023 is available and

proceed with the trial of the case as prayed for by the petitioner.

In view of the circumstances as is reflected from the report, the grievance of the petitioner under the changed circumstances cannot be interfered with.

However, so far as the prayer in respect of tracing out of the original Case Diary is concerned in connection with one of the cases, the learned ACJM, Baruipur or the jurisdictional Magistrate would enquire regarding the correctness of the said accusation(s). In case, the same is not traceable, necessary direction(s) may be passed by the superior authorities.

With the aforesaid observations, WPA 9593 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Report so submitted be kept with the record. A copy of the report be handed over to the learned advocate for

the petitioner.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

**(Tirthankar Ghosh, J.)**