

D/L 40
22.05.2025
Bpg.
ct.no.35

W.P.A.10458 of 2025

**Aqsa Misbah
Versus
The State of West Bengal & Ors.**

Mr. Sandipan Ganguly
Mr. Sourav Chatterjee
Mr. Mayukh Mukherjee
Mr. Chiranjib Sinha
Mr. Soumya Nag
Mr. Aditya Tewari.
...for the petitioner.

Mr. Kishore Datta, Ld.A.G.
Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Soumen Chatterjee.
...for the State-respondents.

Mr. Soumya Majumder
Mr. Zohaib Rauf
Mr. Barnamay Basak.
...for the respondent nos.7, 8 & 15.

Mr. Amitava Mitra
Ms. Debjani Sengupta
Ms. Sonia Nandy.,
...for the respondent no.12.

Mr. Debtanay Banerjee
Ms. Sayani Roy Chowdhury.
...for the respondent no.14.

Affidavit-of-service filed by the petitioner be
kept with the record.

At the inception, learned senior advocate
appearing for the petitioner was handed over the
passport of the petitioner in support of the earlier

contention made on 20th May, 2025. The said original passport would be taken by the investigating officer as he prays for enquiry on the issue. A seizure list be issued to the petitioner who has been identified by the investigating officer to be present in Court. A copy of the said seizure list be also kept with the record.

Petitioner has raised certain issues regarding the mode and manner of the investigation as also the certain act and actions of the investigating officer in his personal capacity beyond the reach of the investigation.

Mr. Majumder, learned senior advocate appearing on behalf of the respondent nos.7, 8 & 15 opposes the contentions and also challenges the maintainability of the writ petition on the ground that since an alternative remedy has been resorted to the jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked.

Mr. Banerjee, learned Additional Government Pleader led by the learned Advocate General insists that substantial materials have been collected by the investigating agency and the investigation of the case is in progress. There are allegations which require that the investigation should be gone into in depth.

I have considered the submissions of the respective parties and I find that the purpose for

approaching this Court is in respect of certain accusations so far as the investigating officer is concerned. However, State has submitted that substantial materials have been collected which are clinching as such I am not inclined to interfere with the continuation of the investigation at this stage but in order to instill confidence in the mind of the petitioner, I am inclined to direct that the Deputy Commissioner of Police in-Charge of Topsia Police Station to monitor the investigation of the case. If the petitioner is aggrieved, petitioner would submit her representation to the Deputy Commissioner of Police in respect of any acts which are beyond the authority of the investigating officer. It would be the discretion of the Deputy Commissioner of Police to take steps in accordance with law. In case the Deputy Commissioner of Police feels that the outcome of any representation is required to be communicated, he would inform the same to the petitioner.

Petitioner prays for preservation of CCTV footage of Topsia Police Station on and from 4th April, 2025 to 11th April, 2025. If such an application is made before the learned jurisdictional Magistrate who is in seisin of Topsia Police Station Case No.27 of 2024 dated 12.03.2024, learned Magistrate will take a decision on the issue in accordance with law.

Learned advocate for the respondent no.12 is present and submits that they have been acted on the orders passed by the learned ACJM, Sealdah for freezing the account.

Petitioner would be at liberty to approach this Court after the investigating officer arrives at his logical conclusion.

With the aforesaid observations, WPA 10458 of 2025 is disposed of.

There will be no order as to costs.

Needless to state that since no affidavits have been called for from the respondents, the accusations made in the writ petition are deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)