

Sl.No. 10.07.2025
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Court
No. 35
G.S.Das

WPA 12752 of 2025

Sadhan Chandra Ganguly
-Vs-
The State of West Bengal & Ors.

Mr. S. T. Mina
Ms. Priyanka Das
... for the Petitioner(s)

Mr. Sissanya Bandopadhyay, Id.Sr. St. Counsel
Ms. Tapati Samanta
Mr. Arindam Ghosh
... for the State-respondent(s)

Mr. Sumanta Ganguly
Mr. Gopal Pahari
Ms. Mandeep Kaur
... for the Private Respondent(s)

The petitioner is aggrieved by the fact that although pursuant to the directions passed by the learned Magistrate, Jagaddal P.S. Case No. 101 of 2025 dated 19.04.2025 was registered for investigation, but the police authorities did not incorporate appropriate Sections which were available in the application under Section 175(3) of the BNSS and proceeded to incorporate only those Sections which they thought deem fit and

proper.

The petitioner further submits that since proper Sections have not been incorporated, there is every possibility of the accused persons getting advantage of the rigors of law, as such, he is dissatisfied with the manner in which the investigation is progressing.

Learned advocate for the private respondent(s) submits that a similar writ petition is pending and prior to that, on the self-same subject-matter, another FIR had also been registered being Jagaddal PS Case No. 309 dated 02.08.2023. The said FIR was on the basis of letter of complaint addressed to the Officer-in-charge of Jagaddal P.S. According to the learned advocate, the present case is the second FIR, the same as such, calls for hardly any interference.

State has submitted a report which reflects the steps taken.

So far as the issue relating to addition of Sections is concerned, it has been categorically stated that once incriminating documents and/or materials are received by the investigating agency, the investigating agency would consider in respect of whether Sections would be added and/or deleted.

Having regard to the steps taken by the investigating officer and the present stage of the investigation, I am of the considered view that the investigating authority will peruse the contents of the letter of complaint or the petition of complaint which has been directed to be treated as FIR. The Sections which have been stated by the complainant in the application under Section 173 of the BNSS cannot be a mandate of the investigating officer of the case. The investigating officer would be guided by the nature of cognizable offences which are reflecting from the facts of the case

and, accordingly, would register a case with regard to the specific sections.

In the light of the observations made above, the plight expressed by the petitioner, at this stage, is not tenable. However, the petitioner would be at liberty to take up the issue, in case, he is dissatisfied with the outcome of the investigation, at the appropriate stage.

It is also directed that since the case commenced on 19th April, 2025 and, within a few days, 90 days would be completed, the investigating officer would notify the complainant regarding the present stage of the investigation under the provisions of Section 193 of the BNSS.

With the aforesaid observations, WPA 12752 of 2025 is disposed of.

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

Report so submitted be kept with

the record.

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.)