

**17.09.2025**  
Item No.2  
Ct. No.35  
dc.

**W.P.A. 15351 of 2024**

**Raju Naskar  
versus  
The State of West Bengal & Ors.**

Mr. Subhabrata Chowdhury,  
Ms. Tripti Pandey,  
Mr. Tarun Kumar Poddar ... For the Petitioner.

Mr. Santanu Kumar Mitra,  
Mr. Samrat Paul ... For the State.

Learned advocate appearing for the State has handed over the charge-sheet as also the case diaries.

Let the case diaries be returned to the learned advocate appearing for the State.

Photostat copy of the charge-sheet (under Section 173 Cr.P.C.) submitted by the learned advocate appearing for the State be kept with the record.

On perusal of the charge-sheet, I find that the charge-sheet was submitted on or about 25.07.2024 and the sections under which the charge-sheet has been submitted are under Sections 341/342/325/304/34 of the Indian Penal Code.

Learned advocate appearing for the petitioner expresses anxiety and agony on two aspects. First, regarding the manner of death and second, regarding some of the principal accused persons who are allegedly involved in the offence have been left out by the investigating agency.

Since charge-sheet has already been submitted before the jurisdictional court and I find that Section 304 of the Indian Penal Code has been incorporated so far as the degree of culpability is concerned, is obviously an issue of assessment. Petitioner presently is not in possession of the documents which have been relied upon by the investigating agency to arrive at their conclusion. Consequently, I direct the learned jurisdictional court in seisin of the issue to hand over all the documents under Section 207 of the Code of Criminal Procedure to the petitioner who has set the law into motion by way of initiating Jibantala P.S. Case No. 218 of 2024.

On perusal and consideration of the documents handed over by the prosecution/State to the petitioner, if the petitioner is aggrieved, he will take out an application under Section 173(8) of the Code of Criminal Procedure. Learned jurisdictional court will assess regarding the genuinity of the allegations, shortfall in the investigating authority, if the sections have been underscored or in the alternative relevant materials although available were not collected by the investigating agency. Thereafter the learned Magistrate would put in efforts so that the application under Section 173(8) of the Code of Criminal Procedure, if filed, be disposed of within a

period of thirty days from date of filing of such application.

With the aforesaid observations, the writ petition being WPA 15351 of 2024 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.)**