

D/L 56
11.08.2025
Bpg.
ct.no.35

W.P.A.16370 of 2024

**Subrato Saha
Versus
The State of West Bengal & Ors.**

Mr. Subhabrata Datta
Mr. Debashish Sarkar.
...for the petitioner.

Mr. K.J. Yusuf
Mr. Kazi Sajjad Alam.
...for the State-respondents.

Petitioner is aggrieved by the manner in which investigation has been carried out in connection with Narendrapur P.S. Case No.711 of 2024. Petitioner complains that in spite of repeatedly informing the investigating officer as also producing documents which are pertinent for taking the investigation to a reasonable and logical conclusion, substantial materials were not taken into account and the police authorities proceeded in a manner, thereby giving an escape to the accused persons.

Mr. Yusuf, learned advocate appearing for the State has submitted a report. Report reflects that on conclusion of investigation, Narendrapur Police Station Charge-sheet No.1040 of 2024 dated 30.09.2024 was submitted before the jurisdictional Magistrate.

Having considered that the charge-sheet has already been submitted and the petitioner alleges of allegations under Section 409 of the Indian Penal Code as also under Sections 468/471 of the Indian Penal Code, I direct that the petitioner would be at liberty to take out an application under Section 173(8) of the Cr.P.C. before the jurisdictional Magistrate in seisin of Narendrapur P.S. Case No.711 of 2024. Learned Magistrate will assess the materials collected by the investigating agency as also the documents which are produced on behalf of the informant/complainant before the court along with the application under Section 173(8) of the Cr.P.C. and thereafter take a decision on merit whether the investigation report which has been submitted is complete or further investigation is called.

With the aforesaid observations, WPA 16370 of 2024 is disposed of.

There will be no order as to costs.

Report submitted by the State be kept with the record.

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

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.)