

28.07.2025
Court No. 35
D/L. No.92
Rakib

W.P.A. 15371 of 2025

**Mahabir Prasad Agarwala
VS
The Union of India & Ors.**

Mr. Pradip Kumar Roy
Ms. Sumedha Mukhopadhyay
Ms. Shruti Mitra
Mrs. Dipanwita Sarkar
...for the Petitioner.
Mr. Sahasrangsu Bhattacharya
Ms. Ranjana Chatterjee
...for Union of India.
Mr. Sourav Sen
Mr. Nirmalya Biswas
...for the State.

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

Petitioner is aggrieved by the fact that in spite of Berhampore Police Station case no. 1154 dated 28.05.2025 having been registered for investigation under the relevant provisions of law, the principal accused persons till date have not been traced out by the police authorities and there has been lack of efforts on behalf of the police authorities to unearth the truth. Petitioner has prayed for transfer of the investigation.

On the other hand State has submitted a report. According to the learned advocate appearing for the State one Sudip Dey has already been arrested in connection with the instant case. There is a civil case already instituted and which is pending.

Be that as it may, I find from the records that the case was instituted on 28.05.2025. The present BNSS

under Section 193 provides that a progress report is to be handed over/sent to the de-facto complainant of the case in respect of the steps which have been taken, the said period till date is not over. The case is based on documents, as such there is no possibility of further tampering of the evidence, which even if the allegations of the petitioner taken to be corrected has already taken place.

Accordingly, I direct that after the period of 90 days from 28.05.2025 a progress report be handed over to the de-facto complaint/informant of Berhampore Case no. 1154/2025.

In case is the petitioner is dissatisfied with the progress of the investigation at the relevant stage, petitioner will apply before the learned Magistrate, and thereafter he would be at liberty to approach this Court for ventilating his grievance.

At this stage, I am of the view that the application is prematured.

Considering the above the writ petition being WPA 15371 of 2025 is disposed of with the aforesaid direction.

Report so submitted by the State be kept with the record.

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

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.)