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**Court
No. 35**

The report also reflects that series of cases are pending against the

petitioner's husband as he has been allegedly involved in connection with cases relating to Arms Act, Immoral Traffic Act, Foreigners Act, cheating and forgery. The Special Task Force has been assigned to take charge of one of the cases.

Learned advocate for the petitioner submits that there have been excesses being inflicted by the police authorities upon her husband. The enclosure to the writ petition do not reflect that, at the very first instance, in connection with any of the cases, the issues were canvassed before the learned Magistrate. However, there are specific cases in which the petitioner's husband has been arrested.

Having considered that the police authorities are investigating the cases, until and unless specific plea is taken up, at the very first instance, it is not possible for a jurisdictional court to pass specific directions.

So far as the plea relating to factual circumstances are concerned, it would be for the petitioner to first canvass the issue before the learned Magistrate *in seisin* of the respective cases. At this stage, when the investigation is in progress and the accused is in custody for more than two and half months, I am of the opinion that no interference can be made as there are no documents to substantiate that at the very first instance any plea was taken up *particularly* with regard to the contentions which have been canvassed in the present writ petition.

However, the accused is granted liberty to take up the issue before the learned Magistrate *in seisin* of the respective criminal cases. The learned Magistrate would address the issues in accordance with law.

With the aforesaid observations,

WPA 15492 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.)