

D/L 49
29.07.2025
ct.no.35
Kausik

W.P.A. 15731 of 2025

**Moyna Bibi
Versus
The State of West Bengal & Ors.**

Mr. Dibyendu Chatterjee
Ms. Reshmi Ghosh
Ms. Parna Mukherjee
Ms. Satabdi Das

...for the Petitioner.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury
Ms. Khadijatul Kubra
Ms. Mehelee Chattopadhyay

...for the respondent no. 4.

Mr. Swapan Banerjee, Ld. AGP
Mr. Md. Nauroz Rahber

...for the State.

Affidavit of service filed be kept with the record.

Petitioner is aggrieved by the fact that although there were other offences which transpired from the materials but the police authorities in connection with Panskura Police Station Case No. 123/2025 investigated the case restricting to the provisions of Section 316(2)/318(4) of the BNS, 2023. In course of investigation, the same was brought to the notice of the learned Magistrate. However, the police authorities had been adamant

and charge sheet has been submitted by the police authorities under Section 316(2)/318(4) of the BNS.

State has submitted a report. Report reflects that in connection with Panskura PS Case No. 123/2025 charge sheet was submitted on or about 12.07.2025.

Learned advocate for the private respondent submits that the private respondent has been released on interim bail. The plight of the petitioner is that the police authorities have investigated in such a manner and by incorporating such sections that the same has paved the way for the release of the private respondent and the prayer of the petitioner on repeated occasion did not yield result.

Since the charge sheet has been submitted before the jurisdictional Court, petitioner would be at liberty to canvas her grievance by way of taking out an appropriate application under section 193 of the BNSS. In case such an application is preferred and the petitioner prays for documents which have been collected by the investigating agency relating to Section 230 of the BNSS, the same be supplied by the learned Magistrate before taking out any application under section 193 of the BNSS. Learned Magistrate would within a period of 45 days from filing of such application dispose of the same by

passing necessary directions as he deems fit and proper.

With the aforesaid observations WPA 15731 of 2025 is disposed of.

Report submitted 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.

(Tirthankar Ghosh, J.)