

D/L 48
29.07.2025
Bpg.
ct.no.35

W.P.A.15728 of 2025

**Sirajul Molla
Versus
The State of West Bengal & Ors.**

Mr. Sayan Banerjee
Ms. Suparna Dutta.
...for the petitioner.

Mr. Sahabuddin Sardar
Ms. Sharmila Deb.
...for the State-respondents.

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

Learned advocate for the petitioner is aggrieved by the fact that the investigation of the case is not being properly conducted and neither the de facto complainant who has set the law into motion is apprised regarding the progress of the investigation. Petitioner is aggrieved also because statement of vital witnesses has not been recorded and the petitioner has been kept in the dark, as such, agony and anxiety of the petitioner has compelled him to approach this Court.

State has submitted a report. I find from the report that steps have been taken for recording statement in connection with Madhabpur P.S. Case No.30 dated 08.03.2025. The comparison in respect

of the hand writing so far as the suicidal note which has been seized along with the personal diary of Mirajul Molla has been sent to QDEB, CID, Bhabani Bhawan for examination. The P.M., inquest report as well as the viscera of the deceased has also been received.

Be that as it may, according to the investigating authority, the investigation of the case is in progress but one of the accused person is evading the process of law and attempts are being made to trace him out. Since the investigation is still in progress and the case was registered on 08.03.2025 and more than 90 days have passed as a matter of right under Section 193 of the BNSS the de facto who has set the law into motion is entitled to progress report in respect of the investigation.

Accordingly, the investigating officer is directed to submit a progress to the de facto complaint. In case such progress report is not made available to the de facto complaint, an application be made before the jurisdictional court, learned Magistrate would pass specific directions for handing over the said progress report, preferably within a period of seven days from the date of filing of such application. Petitioner would assess regarding the

deficiencies and thereafter ventilate his grievance before the appropriate forum.

With the aforesaid observations, WPA 15728 of 2025 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.)