

07.08.2025
Court No. 35
D/L. No.19
Rakib

W.P.A. 17478 of 2025

**Sharmistha Roy Bajpai @
Sharmistha Roy.
VS
The State of West Bengal & Ors.**

Mr. Brajesh Jha
Ms. Anushka Ghosh
...for the Petitioner.
Mr. Swapan Banerjee, AGP,
Mr. Soumen Chatterjee
...for the State.
Ms. Lipika Das
...for respondent nos. 5 to 8.

Petitioner is aggrieved by the manner in which the investigation has been carried on by Eco Park Police Station in connection with Eco Park Police Station case no. 328/2023. Petitioner alleges that the accused persons have by some means or the other escaped from the clutches of law and to that extent draws the attention of the Court particularly, with respect to the manner in which anticipatory bail was obtained. The grievance of the petitioner who happens to be a victim of matrimonial dispute is to the extent that no proper investigation has been carried out and one of the accused persons has been discharged when the charge-sheet was submitted before the jurisdictional Court.

State has submitted a report. According to the State the individual who was discharged is a distant relation who was staying at Bangalore.

Learned advocate appearing for the private respondents submit that the learned jurisdictional

Magistrate has been pleased to take cognizance of the offence on submission of charge-sheet and anticipatory bail has been granted by the Division Bench after considering the materials appearing in the Case Diary.

Petitioner's main grievance is with regard to the manner in which investigation was conducted by the Eco Park Police Station and the materials collected by the said police station while submitting the charge-sheet, thereby discharging one of the accused, obviously raising a grievance of the petitioner.

Since the jurisdictional Court is in seisin of the issue, petitioner will ventilate her grievance by way of taking out appropriate application under Section 193(9) of the BNSS. So far as the other aspect is concerned there are materials which the petitioner if he feels would by way of a separate application under Section 175(4) of the BNSS, ventilate before the jurisdictional Court. If such an application under Section 193(9) of BNSS is preferred the same be disposed of within a period of 60 days from the date of filing of such application.

With the aforesaid observations WPA 17478 of 2025 is disposed of.

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

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.)