

D/L 8
21.08.2025
Bpg.
ct.no.35

W.P.A.18912 of 2025

**Sri Anup Dutta
Versus
The State of West Bengal & Ors.**

Ms. Juin Dutta Chakraborty
Mr. Bidan Modak.
...for the petitioner.

Mr. Supratim Dhar.
...for the State-respondents.

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

Learned advocate appearing for the petitioner
submits that at the relevant point of time the
petitioner was not in India and he has been falsely
implicated in connection with the instant case at the
behest of the de facto complainant/private
respondent no.5 in connection with Garden Reach
Police Station Case No.189 of 2025 dated 11.07.2025.
Learned advocate appearing for the petitioner draws
the attention of the Court to the letter of complaint
addressed to the Officer-in-Charge, Garden Reach
Police Station and submits that not even a single line
has been averred which would implicate the petitioner
in connection with the instant case.

Learned advocate for the State has submitted a report. Report reflects that Garden Reach Police Station Case No.189 of 2025 is a counter case to Garden Reach Police Station Case No.176 dated 27.06.2025. The investigating officer is in seisin of investigation of the case, statements have been recorded under Section 180 of the BNSS as also notices issued under Section 35(3) of the BNSS, statements have been recorded under Section 183 of the BNSS. Further video footage of the alleged incident was seized and the same has been retained in the police station malkhana.

Having regard to the fact that the investigation of the case is in progress and the plea of the petitioner is a plea of alibi attempting to establish truth and falsity in the allegations, I am of the view that at the stage when the investigation is in progress, it is only for the investigating officer to assess regarding the same, a court of law cannot at the nascent stage of the investigation prior to submission of charge-sheet arrive at a finding regarding the veracity of the accusations made in the letter of complaint which has been treated to be the First Information Report of the instant case.

Having regard to the same, I am of the view that no interference is called for by this Court at this

stage. Petitioner, however, would be at liberty to take up the issue with the investigating officer particularly if he has document in his custody to disown the contents of the letter of complaint which is the genesis of Garden Reach Police Station Case No.189 of 2025 at this stage.

Accordingly, WPA18912 of 2025 is dismissed.

There will be no order as to costs.

Report so submitted be kept with the record.

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.)