

D/L 10
17.01.2025
Court No.14
BP/AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 20043 of 2024

Vivekananda Ghosal & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Rishabh Ahmad Khan
... for the Petitioners.

Mr. K. J. Yusuf
Mr. Saurav Chaudhuri
... for the State.

Mr. Jaydeep Biswas
Mr. Kaushik Ghosh
Mr. Swapnayu Basuri
...for the respondent no. 9.

1. From the report filed by the State respondents it appears that a charge sheet in the form of final report, mistake of fact has been filed. Date has been fixed by the learned Magistrate on 18th February, 2025 and notice has been directed to be issued upon the defacto complainant, the petitioner herein.
2. The petitioners submit that the investigation has been done in a perfunctory manner. Very vital pieces of evidence have not yet been collected from the custody of the petitioners who lost her son in the accident. The petitioners pray for change of the investigating agency.
3. Learned advocate representing the private respondent opposes the said prayer.

4. Upon hearing the parties and on perusal of the documents placed before this Court, it appears that the learned Magistrate has already posted the matter on 18th February, 2025 upon notice to the defacto complainant.
5. It will be open for the defacto complainant to address the Court with regard to the prayer for change in the investigating agency and the loopholes in the final report that has been filed.
6. The learned Magistrate shall take a decision in the matter upon hearing all the parties.
7. It will also be open for the petitioners to seek preponement of the matter and the learned Magistrate may consider such prayer as per the convenience of the business of the Court.
8. The writ petition stands disposed of.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)