

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1393 of 2025

Tapas Kumar Goswami

vs.

The State of West Bengal & Ors.

With

CAN 1 of 2025

For the Appellant

: Dr. Achin Jana
Mr. Dhananjay Banerjee
Mr. Prosenjit Ghosh
Mr. Bhaskar Dalui
Ms. Chetna Rustagi

For the State

: Mr. Sumon Ghosh, Sr. Govt. Adv.,
Ms. Munmun Tewari

Heard & Judgment on : August 27, 2025

Debangsu Basak, J.:-

1. Certified copy of the impugned order filed in Court be taken on record.
2. Appeal is directed against an order dated July 22, 2025 passed in W.P.A.
18610 of 2024.
3. Appeal is at the behest of the writ petitioner.

4. Learned advocate appearing for the appellant submits that, the appellant is a police personnel and posted at Punjab. Wife of the appellant was at Punjab also. The victim was with the paternal grandparent when the victim was found dead by hanging.
5. Learned advocate appearing for the appellant questions the quality of investigation conducted. He submits that, the appellant and his wife recorded statements under Section 164 of the Cr.P.C. which makes out a case of penetrative sexual assault on the victim and outraging her modesty as also user of video photography of a penetrative sexual assault in order to blackmail her. He submits that, the police did not investigate in those lines.
6. State is represented.
7. Learned advocate appearing for the State submits that, the police conducted an investigation under Section 306 of the IPC, 1860. Investigations with regard to such police case did not yield any fruitful result in order to put up any person for trial. Consequently, police submitted a report before the Jurisdictional Court.
8. We perused the case diary which learned advocate for the State reproduced in Court.

9. There is a statement under Section 164 of the Cr.P.C. by the wife of the appellant before us, in the case diary. Such statement alleges that the victim was subjected to sexual assault and video photography of such incident was recorded by persons named therein. Such video was used to blackmail the victim.
10. It does not appear from the case diary that the police investigated such line adequately. Police did not seize the mobile devices of the persons named in such statement recorded under Section 164 of the Criminal Procedure Code.
11. In such circumstances, police will investigate the case. Police will add relevant provisions of the BNS on the basis of the statement recorded under Section 164 of the Cr.P.C. of the appellant and his wife as also the other materials in the case diary.
12. Learned advocate appearing for the appellant submits that, the CCTV footage of the persons present in the vicinity of the place where the post mortem was conducted may reveal the truth with regard to the death. He also submits that, the mobile devices of the persons named in the statement recorded under Section 164 of the Cr.P.C. should also be investigated into.

13. No doubt, the Investigating Authority will take into consideration the submissions made on behalf of the appellant today in their further investigations.
14. The writ petition is yet to be disposed of. We, therefore, do not make any comment in the substitution of the Investigating Officer or the Investigating Agency at this stage. Such point is kept open.
15. We, therefore, request the learned Single Judge to hear the writ petition on the date fixed, subject to the business of the Court.
16. No fruitful purpose will be sub-served by keeping the appeal pending.
17. M.A.T. 1393 of 2025 and the connected application CAN 1 of 2025 are disposed of without any order as to costs.

(Debangsu Basak, J.)

18. I agree

S.D.

(Md. Shabbar Rashidi, J.)