

09.09.2025
Ct. No.35
Sl. No.43
akd

W. P. A. 20372 of 2025

[Md. Rafikul Bayen & Anr. -Vs- State of West Bengal & Ors.]

Mr. Debarshi Brahma
Mr. Subarna Bank
... ... for the petitioners

Mr. Prabhat Kumar Srivastava
... ... for respondent no.7

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Indrani Majumder
... ... for respondent no.8

Ms. Sonal Sinha .. ld. A.G.P.
Mr. Alok Banerjee
... ... for the State

Affidavit-of-service filed in Court today be kept with the record.

Petitioners are aggrieved by the fact that in spite of the direction of the learned Magistrate under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the investigation in connection with Shakespeare Sarani Police Station Case No. 16 dated 31.01.2025 is hardly progressing.

State has submitted a report. Report reflects that notices under Section 94 as well as Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been issued to the respondent nos.8 and 9. The investigation of the case is in progress.

Learned Advocate for the private respondent no.7 submits that on the basis of the award passed by the Arbitrator, there has been repossession of the vehicle concerned. So far as the private respondent no.8 i.e. the Branch Manager, HDB Financial

Services is concerned, the same reflects that there are issues relating to default in respect of payment of loan.

Be that as it may, since the investigation is in progress and the investigation has commenced on January, 2025, having regard to the present provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Investigating Agency is bound to inform a progress report regarding the investigation to the de-facto complainant of the case. Accordingly, a progress report be immediately sent to the de-facto complainant. Consequently, the petitioners upon perusal of the progress report would address their grievances to the jurisdictional Magistrate concerned.

With the aforesaid observations, WPA 20372 of 2025 is disposed of.

Report submitted by the learned advocate appearing for the State be also kept with the record. A copy of the report be handed over to the learned advocate appearing for the petitioners.

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.)