

December 11, 2025
Sl. No.26
Court No.1
s.biswas

FMA 1510 of 2025
With
CAN 1 of 2025

Swapna Das
vs.
The State of West Bengal and others

Mr. Sounak Ghosh
Mr. Md. Jannat Ul Firdous
Mr. Rajesh Naskar
... for the appellant
Mr. Subhendu Bandyopadhyay
... for the State
Ms. Susmita Saha Dutta
Mr. Angshuman Chakraborty
Mr. Niladri Saha
Mr. Sasanka Sekhar Saha
Mr. Subhajit Seth
Ms. Madhurima Basu
... for the private respondents

Per, Sujoy Paul, A.C.J.

1. Mr. Sounak Ghosh, learned counsel for the appellant, Mr. Subhendu Bandyopadhyay, learned counsel for the State and Ms. Susmita Saha Dutta, learned counsel for the private respondents, are present.
2. With the consent of parties, the matter is finally heard. The singular grievance of the appellant is against the order dated 01.08.2025, where CAN 1 of 2025 in WPA 16275 of 2024 was decided. Admittedly, WPA 16275 of 2024 was dismissed in default on 20th September, 2024. The learned Single Judge was kind enough in restoring the writ application but restored it on the limited

aspect as to whether investigation was properly carried out and as to whether transfer of investigation is called for or not.

3. The singular ground of learned counsel for the appellant is that if restoration is ordered, the entire matter should have been restored so that appellant could have convinced the court to the relief due.
4. Learned counsel for the private respondents placed reliance on the order passed by a Division Bench in MAT 1429 of 2024 dated 23.07.2024 which was affirmed in RVW 273 of 2024.
5. We have heard the parties. Even the order of Division Bench in MAT 1429 of 2024 shows that the liberty was reserved to learned Single Judge to decide the matter on merits by making certain observations. However, no conclusive opinion is expressed on merits. In this backdrop, in the fitness of things, we deem it proper to modify the order dated 01.08.2025 in CAN 1 of 2025 and direct that the entire WPA 16275 of 2024 shall be treated to be restored and learned Single Judge shall decide it in accordance with law after exchange of affidavits of the parties.
6. With the aforesaid and without expressing any opinion on merits, FMA 1510 of 2025 is disposed of. CAN 1 of 2025 is also disposed of.

7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of all necessary formalities.

(Sujoy Paul, A.C.J.)

(Partha Sarathi Sen, J.)