

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Tirthankar Ghosh

W.P.A. 21364 of 2025

***Goutam Chakraborty
versus
State of West Bengal & Ors.***

For the Petitioner : Mr. Rajdeep Mazumder, Sr. Adv.,
Mr. Pritam Roy,
Ms. Triparna Roy.

For the State-respondents : Mr. Amitabrata Roy, Id. GP,
Mr. Dipanjan Datta, Sr. Govt. Adv.

Heard On : 26.09.2025.

Judgement On : 26.09.2025.

Tirthankar Ghosh, J. :

Petitioner preferred the instant writ petition being aggrieved by the manner in which Baruipur P.S. Case No. 1556 of 2025 dated 12.08.2025 has been progressing. The case was registered under Sections 103/238/3(5) of BNS, 2023.

Mr. Mazumder, Learned Senior Advocate appearing for the petitioner has raised grievance on many aspects of the issues concerned including the factum of the petitioner's information furnished with the police authorities at the first instance not being considered, the approach

of the police authorities particularly divulging the nature of the incident through a press conference by a superior officer before the media. The other individuals who intended to give their statements as well as the video recordings were not well responded by the investigating agency. Petitioner as such has prayed for transfer of investigation from the local police authorities to a specialised agency.

Mr. Datta, Learned Senior Government Advocate addressed the issues relating to the manner in which investigation has been carried out. It is the submission of the learned advocate for the State that the police authorities have kept no stone unturned to unearth the truth and opposes the prayer for transfer.

I have taken into account the submissions of the Learned Senior Advocate for the petitioner as well as the Learned Senior Government Advocate for the State. I have also taken into account the case diary which was produced by the State. On assessment of the materials till date so collected by the investigating agency, *prima facie*, I am of the opinion that the police authorities are working on the assumption that the victim was suffering from certain mental illness. He was admitted in a rehabilitation centre and as such, he terminated his life which was the result of an unnatural death. On the contrary, from the case diary it is also found from the statement recorded under Section 164 Cr.P.C./Section 183 of BNSS that there is another aspect of the matter

where an individual has been an eyewitness to the incident so far as the manner in which the victim's life was forcibly taken away. The *post mortem* report do corroborate the statement made by the said witness under Section 164 of the Cr.P.C./Section 183 of the BNSS.

Without going into further details and analysing the realm or ambit of the investigation, at this stage when the investigation has commenced and is in progress, I am of the opinion that with a fixed set of mind, the investigating agency without exploring all the avenues had been carrying out the investigation. Consequently, I am of the view that all the aspects which have in course of the investigation cropped up, require to be deliberated by the investigating agency. Having considered the same, I am of the view that the investigation of the present case be transferred to a specialised agency being the Criminal Investigating Department, Government of West Bengal. As such, it is directed that the DIG, CID will set up a team of three officers according to his choice from the Homicide Department for investigating the case and for unearthing the truth.

There is a threat perception of the petitioner and the other witnesses who may have certain information to divulge to the investigating agency. As such, it would be the duty of the investigating agency to protect those witnesses. In case the said witnesses or the present petitioner feels insecure, an application may be made before the jurisdictional court. The jurisdictional court is directed to adhere to the

provisions of Witness Protection Scheme, 2018 and pass necessary directions.

Needless to state that since the State-respondents have not used any affidavit, the allegations and/or accusations made in the writ petition are deemed not to have been admitted.

With the aforesaid observations, the writ petition being WPA 21364 of 2025 is disposed of.

There will be no order as to costs.

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.)