

21.11.2025
Item No.11
Ct. No.1
Saikat
Mukherjee

MAT/1551/2025
with
CAN/1/2025
with
CAN/2/2025

SATHI SARKAR @ MONDAL
VS.
STATE OF WEST BENGAL AND ORS.

Mr. Animesh Mukherjee, Adv.
Mr. Sahajamal Hazra, Adv.
Mr. Abu Jafor, Adv.
Mr. Kazi Asif Iqbal, Adv.

...For the Appellant

Ms. Ratna Das, Adv.

...For the State

Mr. Asraf Mandal, Adv.
Mr. Tushar Shil, Adv.

...For the Private Respondent No.5

Per, Partha Sarathi Sen, J.:-

In Re: CAN 2 of 2025

1. This is an application for condonation of delay of two days in filing the instant appeal.
2. On perusal of the petition for condonation of delay and after hearing the learned advocates for the parties to the instant appeal, we are satisfied that the applicant/appellant is successful in explaining the delay in filing the appeal.
3. Accordingly, the delay in filing the appeal is hereby condoned.
4. With the aforementioned observation, CAN 2 of 2025 is disposed of.

In Re: MAT No.1551 of 2025

5. The subject-matter of the instant appeal is the order dated 25th July, 2025, as passed by the learned Single Bench in WPA No.15640 of 2025. On perusal of the copy of the writ petition as filed before the learned Single Bench it appears that the writ petitioner approached the learned Single Bench by filing a writ petition for issuance of appropriate writ of mandamus against the respondent authorities to take appropriate steps against the private respondent No.5 pursuant to his written complaints dated 16th August, 2024 and 9th October, 2024.
6. On perusal of the order impugned it reveals that the learned Single Bench has recorded on the basis of a report submitted by the State that pursuant to the complaint made by the *de facto* complainant/appellant herein Hogalberia P.S. case was initiated. In such P.S. case final report has been submitted and result of the investigation was duly communicated to the *de facto* complainant, who is the appellant before us.
7. It further appears from the order impugned that the learned Single Bench has recorded that in the event the person/writ petitioner is still aggrieved with the final report of the police, he has every right to ventilate his grievance before the jurisdictional criminal court.
8. It thus appears to us that the learned Single Bench has found that still there is availability of alternative remedy to the writ petitioner for ventilating his grievance against

the final report of the police as submitted in connection with the aforementioned P.S. case. In our considered view, the finding of the learned Single Bench is very much justified. We also reiterate that in the event the present appellant being *de facto* complainant has got at all any grievance against the final report in connection with the charge-sheet submitted by the I.O. in respect of Hogalberia P.S. case, his remedy is available before the jurisdictional criminal court.

9. Before parting with, it has also been noticed by us that the present appellant being the *de facto* complainant has also his remedy open before the appropriate court for getting compensation.
10. In view of the discussion made hereinabove, we find no reason to interfere with impugned order.
11. Accordingly, MAT No.1551 of 2025 stands dismissed.
12. With the dismissal of the instant appeal, CAN 1 of 2025 is also disposed of.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)