

04.03.2025
Court No. 35

Item No.7
Rakib

W.P.A. 21680 of 2023

Prosenjit Dey.
VS
The State of West Bengal & Ors.

Mr. Mayukh Mukherjee,
Mr. Abhijit Singh,
Mr. Sarthak Mondal,
Ms. Sagnika Banerejee.
... for the Petitioner.
Mr. Sukumar Bhattacharya,
Mr. Arunava Ganguly,
Ms. Puja S.
... for UOI.
Mr. Amal Kr. Sen, Ld. AGP.,
Mr. Lal Mohan Basu.
... for the State.

Petitioner has challenged the continuance of the Dumdum GRPS Case no. 36/23 dated 24.08.2023 under Sections 186/332/353/506 of the Indian Penal Code.

Learned advocate appearing for the State has produced the Case Diary.

I have considered all materials on record and I find that the police authorities have collected the materials in support of the contentions which enclosed the statement recorded by the investigating officer in respect of the passengers as well as the members of the raiding team. Injury report is also available.

Petitioner has challenged the investigation as he alleges that he has suffered injuries at the hands of the GRP. It has also been contended that the petitioner was waiting in the station and has never boarded the train referred to in the FIR.

The aforesaid facts are exclusively matters of defence to be considered at the appropriate stage of the case. At this stage when the investigation is in progress the petitioner's contention can be considered only by the investigating officer.

However, this Court cannot direct the mode and manner of investigation. If the petitioner is aggrieved at the appropriate stage after submission of report under Section 173 of Code of Criminal Procedure, it would be for the petitioner to raise his contention, subsequently, after receipt of the documents relied upon by the investigating authorities. No interference is called for at this stage. The investigating agency is directed to take the investigation to its logical conclusion.

With the aforesaid observations, WPA 21680 of 2023 is disposed of.

Case diary be returned to the learned advocate appearing for the State.

Pen drive which has been submitted before this Court be immediately submitted to the learned ACJM in-charge of Dumdum GRPS Case no. 36/23, Sealdah.

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.)