

D/L 14
14.01.2025
Kausik
ct.no.35

W.P.A. 25159 of 2024

**Nilratan Sardar
Versus
The State of West Bengal & Ors.**

Mr. Md. Sabir Ahmed
Mr. Golam Karim Chowdhury
Mr. Tasnim Ahmed
Mr. Quazi Ezaz Ahmed

...for the petitioner.

Mr. Sabyasachi Banerjee
Mr. Sayak Majumdar
Mr. Bikram Mitra

...for the private respondents.

Mr. Ashim Kumar Ganguly, AGP
Mr. Bellal Shaikh

...for the state.

Pursuant to the earlier direction dated 03.12.2024 Mr. Ganguly, learned Additional Government Pleader has produced the case diary and drawn the attention of the court to the charge sheet and the supplementary charge sheet submitted by the investigating agency.

Since the investigating authorities have put in their efforts but to the dissatisfaction of the petitioner who has set the law into motion and the contention of the petitioner as Mr. Ahmed appearing for him, submits that there cannot be a single accused person and there are other accused persons

who are supposed to be involved in preparation of the forged documents concerned at this stage when thrice the investigation has been conducted I do not intend to delay the further progress of the case before the learned jurisdictional court.

I find from the list of witnesses relied upon by the prosecution that petitioner has been cited as CSW 2 in the charge sheet.

In view of the aforesaid, I direct that if the petitioner is so advised after his examination-in-chief, he would be at liberty to file an application under section 319 of the Code of Criminal Procedure.

It would be the discretion of the learned trial court to assess regarding the materials collected by the investigating agency and the evidence appearing on record to arrive at its finding as to whether any other person is involved in preparation of such document.

Affidavit submitted on behalf of the respondent nos. 13 and 17 be kept with the record. Copy of the same be handed over to the learned advocate appearing for the petitioner as well as the state.

If the petitioner prays for supply of copies both relied upon by the prosecution as well as unrelieved documents, learned Magistrate would on

cost supply the documents to the petitioner preferably within a period of 15 days from the date of application.

With the aforesaid observations WPA 25159 of 2024 is disposed of.

Needless to state that as there has not been any exchange of affidavits, the accusations and/or allegations made in the writ petition are deemed not to have been admitted.

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

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)