

Sl.No.

I

14.02.2025

Court
No. 35

G.S.Das

WPA 26268 of 2024

Bharati Saha

-Vs-

The State of West Bengal & Ors.

Mr. Sayak Chakraborti

Mr. Sandipan Sarangi

Mr. Wrickbrata Roy

Mr. Iswar Das

Mr. S. Chatterjee

... for the petitioner(s)

Mr. Amal Kr. Sen, Id. AGP

Mr. Lal Mohan Basu

... for the State-respondent(s)

A Supplementary Report has been submitted on behalf of the State in connection with Golf Green P.S. Case No. 204 dated 12.09.2024.

The petitioner has approached this Court being dissatisfied with the investigation. It is the contention that the investigation officer did not properly investigate the case and there is every possibility of the accused having an escape route as an outcome of the trial of the present case.

I have perused the Case Diary

repeatedly on two dates. Learned Additional Government Pleader was directed so that the investigating officer is present in court.

I have perused the report under Section 173 Cr.P.C. and I do not find that in a case of 109/117(2)/154 of the BNS, any medical document has been referred to in the report under Section 173 Cr.P.C., as also no witness has been cited who are going to prove the medical documents which have been collected in course of the investigation. Six witnesses so cited by the prosecution do not have any relation with the hospital and/or nursing home(s) as also medical institutes wherefrom medical documents have been collected. Neither there is any representatives of those institutions nor any medical care units.

The other accusation of the petitioner is relating to certain Sections

which have not been incorporated.

Since the report under Section 173 Cr.P.C. is required to be reconsidered and revisited by a superior officer, as I deem it fit and proper, I direct the Deputy Commissioner of Police-in-charge of Golf Green Police Station to peruse whole of the materials in the Case Diary and take a decision on the issues so that within a period of 30 days effective steps can be taken by way of filing a Supplementary Report before the learned ACJM, Alipore *in seisin* of the matter.

So far as the investigating officer is concerned, the Deputy Commissioner will exercise his/her wisdom as to whether he should be entrusted with further investigation of the case. If required, the Deputy Commissioner will depute a Nodal Officer who will follow the case before the learned ACJM, Alipore.

With the aforesaid observations,

WPA 26268 of 2024 is disposed of.

Pending application(s), if any, is also disposed of.

Supplementary Report so filed be kept with the record.

Case Diary be returned to the learned Additional Government Pleader appearing on behalf of the State.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)