

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

Present:

The Hon'ble Acting Chief Justice Sujoy Paul

And

The Hon'ble Justice Partha Sarathi Sen

MAT No.2128 of 2023

with

CAN No.1 of 2025

SAFIRUL SK.

. . .APPELLANT

VERSUS

STATE OF WEST BENGAL & ORS.

. . .RESPONDENTS

For the Appellant/(s) : Mr. Sanjib Kumar Mukhopadhyay, Adv.
Ms. Nargish Parveen, Adv.

For the Respondent/(s) : Mr. Pritam Choudhury, Adv.
Ms. Indrani Nandi, Adv.

Heard on : 4th December, 2025.

Judgment on : 4th December, 2025.

Partha Sarathi Sen, J.

1. The subject-matter of the instant appeal is the judgment and order dated 5th October, 2023, as passed by the learned Judge of this court in WPA No.16922 of 2023.

2. At the time of hearing, learned counsel appearing on behalf of the writ petitioner at the very outset draws attention of this court to the prayers of the writ petition as made before the learned Single Bench. It is submitted that from the said prayers it would reveal that it is the grievance of the writ petitioner that investigation on account of unnatural death of the brother of the writ petitioner has not been properly done and accordingly, the learned Single Bench was approached with a prayer commanding the DIG of Police, CBI, to cause investigation on account of such unnatural death.
3. It is further submitted that while passing the order impugned learned trial court though noticed that the death of the deceased was unnatural and there were several injuries on the body of the deceased yet the learned trial court for the reason best known to him failed to exercise his jurisdiction and thus, no relief was granted to the writ petitioner.
4. It is thus submitted that appropriate relief/reliefs may be granted by setting aside the impugned order with a further prayer to command the CBI authority to take charge of the investigation.
5. Such prayer is vehemently opposed on behalf of the Respondent-State by stating that the writ petitioner approached the learned Single Bench by filing the said writ petition in a hest manner and, in fact, the writ petition is prematured.
6. We have carefully gone through the entire materials as placed before us and we have also considered the rival submissions of the learned counsels for the contending parties.

7. On perusal of the impugned order it reveals that the learned Single Bench while passing the said order noticed that immediately after the incident of death of the deceased an unnatural death ('U.D.' in short) case was registered. The learned Single Bench has also noticed that the post-mortem examination was promptly done and the said post-mortem report clearly indicated that the death was due to fall from a height. We have also noticed that the learned Single Judge while passing the impugned order also perused the CFSL/Forensic report with regard to the vehicle in question and such report also reveals that the incident occurred on account of road traffic accident, since the offending vehicle dashed in a reckless manner in the parapet of the flyover.
8. Learned trial court also noticed that investigation was at that material time yet to be completed and final report has not been submitted. In course of hearing, it is, however, submitted on behalf of the State that in the meantime investigation has been completed and the charge-sheet has also been submitted by the police authority.
9. In view of the chronology of the events, as discussed hereinabove, we find no reason to interfere with the impugned order as involved in the instant appeal inasmuch as there is no infirmity and/or illegality in the order impugned.
10. Since it has been reported that charge-sheet has already been filed in the meantime, the writ petitioner/appellant has still remedy if he is still aggrieved with the charge-sheet, as submitted by the police authority.
11. In view of such, while disposing of the instant appeal we direct the Respondent-State to provide a copy of the charge-sheet to the learned

counsel for the petitioner which is actually served while dictating this judgment in court.

12. With the aforementioned observation, **MAT No.2128 of 2023** is **disposed of**.

13. With the disposal of instant appeal, there is nothing to be decided in respect of **CAN No.1 of 2025** and accordingly, the same is also **disposed of**.

14. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(PARTHA SARATHI SEN, J.)

I agree.

(SUJOY PAUL, ACJ.)

Ct. No.1
D/L 02
Saikat Mukherjee