

29.01.2025
Item No.19
Ct. No.35
dc.

W.P.A. 27635 of 2024

**Ashadulla Middya & Anr.
versus
The State of West Bengal & Ors.**

Mr. Samim Ahammed,
Ms. Gulsanwara Pervin,
Ms. Saloni Bhattacharjee,
Md. Nasirul Haque ... For the Petitioners.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das ... For the State.

Report submitted by the Superintendent of Police, Bankura be kept with the record.

Reasons have been assigned by the Superintendent of Police, Bankura which are acceptable to this Court. Appropriate action has been taken against the Investigating Officer of the case by the Superintendent of Police.

So far as the distinction between the case diary placed before this Court and the case diary presented before the learned Sessions Judge is concerned, the reasons so assigned in the report do not alter the situation, according to the investigating agency.

Be that as it may, the petitioners have approached this Court because of being aggrieved regarding the bias attitude of the investigating agency as well as the reluctance of the investigating agency for not properly investigating the case.

The petitioners submit that the statement of the vital witnesses has not been recorded. Further

appropriate sections have not been incorporated at the stage of registration of the FIR.

Investigation being an exclusive domain of the investigating agency. This Court can monitor, supervise, express dissatisfaction as also in an appropriate case transfer the investigation, but how the investigating agency would investigate the case, the same cannot be advised by this Court while exercising the jurisdiction under Article 226 of the Constitution of India.

Learned advocate appearing for the State, on instructions, submits that investigation of the case is at the fag end and the report under Section 193 of BNSS would be submitted before the jurisdictional court as early as possible.

Having considered the report of the Superintendent of Police, Bankura, I find that the investigation is at an advanced stage. Having considered that at the earliest the report under Section 193 of BNSS would be submitted before the jurisdictional court obviously after being supervised by the DSP/Addl. S.P./SDPO who is in-charge of Bankura Police Station. A copy of the report under Section 193 of BNSS be sent to the complainant who has set the law into motion. If the complainant has any grievance, the complainant may file an appropriate application before the jurisdictional court under Section 193 (9) of BNSS. The *de facto*

complainant would also be at liberty to file application before the learned Magistrate for supply of copies on which the prosecution proposes to rely to establish its case and if such an application is filed within a week from the date of filing, the copies may be made available and thereafter the petitioner may prefer application under Section 193(9) of BNSS which the learned Magistrate would try to dispose of within a period of 45 days of the date of filing of such application.

With the aforesaid observations, the writ petition being WPA 27635 of 2024 is disposed of.

There will be no order as to costs.

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.)