

10.09.2025

Item No.4
Ct. No.35
dc.

W.P.A. 30064 of 2024

**Sk Naser Ali
versus
The State of West Bengal & Ors.**

Mr. Sayan Banerjee,
Ms. Suparna Dutta,
Mr. Nilanjan Pyne ... For the Petitioner.

Mr. Vimal Kumar Shahi, AGP.,
Ms. Pratiti Das ... For the State.

Petitioner approached this Court being aggrieved by the outcome of the investigation in connection with Nadanghat P.S. Case No. 670 of 2024 dated 27.09.2024. The investigating authority on conclusion of investigation, arrived at their opinion which was submitted by way of a report under Section 193 of BNSS wherein the investigating officer submitted a final report praying for discharge of all the FIR named accused persons.

I have considered the materials appearing in the case diary. There are certain suspicious circumstances which are appearing in the materials. As the statements which have been recorded so far as the inmates of the parental home of the deceased are concerned, they do create circumstances which *prima facie* raise issues relating to the conclusion arrived at by the investigating officer of the case. Needless to state that within a period of three years seven months of marriage, the deceased had made the unfortunate

and untimely death. Whether the death is homicidal, suicidal or accidental, is supposed to be decided by the investigating agency by way of unearthing the truth. The statements of the brother and uncle of the deceased itself reflect that the body was buried according to Muslim rites and rituals. Thereafter the same was exhumed after a number of days and then only the *post mortem* was conducted.

Having regard to the series of incidents and after the death of the deceased and the apprehension of certain culpability alleged by the father, brother and uncle of the deceased, I am of the view that a further investigation is required to be conducted as the inmates of the parental home of the deceased are to be exhaustively examined and the same should be taken into account by weighing the presumption that within seven years of marriage the deceased met with unnatural death. There is also allegation of dowry pursuant to which the deceased died.

In view of the period of time which has lapsed, I direct that a superior officer of police in the rank of DSP/Additional SP/SDPO would engage an authorised officer of his choice for further investigation of the case. The concerned superior officer who will be in-charge would monitor the progress of the investigation every month till the

report under Section 193 of BNSS is submitted before the jurisdictional court and there should be a seal of approval in relation to the contents of the report and materials collected under the supervision of the said superior officer.

With the aforesaid observations, the writ petition being WPA 30064 of 2024 is disposed of.

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

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.)