

07.01.2025
Court No. 2
Item No.13
Rakib.

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 9 of 2025

Dr. Nikhil Chandra Ray.
VS
The State of West Bengal & Ors.

Mr. Shubhadeep Sarkar,
Ms. Ankita Barman
... for the Petitioner.
Mr. Amales Roy, Id. Sr. Adv.,
Mr. Nigam Mittal,
Ms. Perna Mitra.
...for the Respondent no.4.

Mr. Joyjit Choudhury, Id. Addl. Adv. General.
Ms. Bedashriti Bose.
...for the State.

Report submitted by the State be kept with the
record.

Petitioner is aggrieved by the act and action of
the de facto complainant and as such has preferred
the present writ petition.

Learned Additional Advocate General
appearing on behalf of the State has submitted a
report which reflects that the investigation of Kotwali
Police Station case no. 670 of 2024 dated 02.07.2024
has been concluded and the investigating agency on
completion of investigation on 30th December, 2024
submitted a report under Section 193 of the BNSS,
holding the accusations to be mistake of fact.

In view of the case not existing on date no orders can be passed by this Court.

Mr. Roy, learned senior advocate appears on behalf of the respondent no.4.

However, the aforesaid findings of the investigating agency will not preclude the present petitioner from taking out an appropriate application before the learned Special Court which has accepted or is considering the report under Section 193 of BNSS filed in connection with Kotwali PS case no. 670 of 2024. If any application is preferred at the instance of the petitioner the learned Special Court would dispose of the same preferably within a period of 45 days of filing of such application.

With the aforesaid observations WPA 9 of 2025 is disposed of.

Pending connected application, if any, is consequently disposed of.

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.)