

D/L 88
24.04.2025
Court No.02
PRADIP

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 584 of 2025

Badal Das
Vs.
The State of West Bengal & Ors.

Mr. Arjun Chowdhury
Ms. Riya Agarwal
... for the Petitioner.

Mr. Subir Kumar Saha, Ld. AGP
Mr. Sandip Guha Roy
...for the State.

1. The petitioner alleges that the complaint lodged against the private respondent, being the husband of his deceased sister, has not been taken up for consideration.
2. From the documents placed before this Court, it appears that the death of the sister of the petitioner was investigated by a Special Investigation Team constituted pursuant to the direction passed by the Hon'ble Division Bench of this Court on 29th January, 2025 in CRM (DB) 6 of 2025 in connection with Bhaktinagar Police Station Case no. 1063/2023 dated 3rd December, 2023 under Section 306 of IPC.
3. It appears that several notices were given to the petitioner for participating in the investigation, but the petitioner refused to cooperate with the investigating team.
4. The submission of the learned advocate for the petitioner is that fearing life, the petitioner was not in a position to appear in Siliguri for the purpose of investigation.

5. In the meantime, it appears that the investigation has been concluded and charge-sheet filed before the learned Trial Court.
6. At this stage, the petitioner prays for keeping the charge-sheet in abeyance and hand over the investigation to the Criminal Investigation Department of the State.
7. The prayer of the petitioner, at this stage, cannot be allowed. There is nothing on record to suggest that the petitioner has intimated the Special Investigation Team that he was not in a position to appear before the team in Siliguri. There is no request before the Special Investigation Team for conducting investigation via video conferencing.
8. Accordingly, the prayer of the petitioner for conducting investigation afresh by a separate team, cannot be accepted.
9. It will be open for the petitioner to approach the learned Trial Court for further relief, if so advised.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)