

D/L 16
08.04.2026
Rohit,A.R.(Ct.)
ct.no.5

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

WPA 6644 of 2026

**Miten Ghosh
Versus
The State of West Bengal & Ors.**

Mr. Tanmoy Khan
Mr. Arup Kumar Bhowmick
...for the Petitioner

Mr. Swapan Kr. Dutta, Sr. Govt Pleader
Mr. Tapas Kr. Roy
...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record. In spite of service of notice private respondents are not represented.
2. It is submitted by the learned Advocate representing the petitioner that his brother succumbed to death on being hit by a two-wheeler on 11th February, 2026. Petitioner lodged a complaint on 13th February, 2026 that taking note of the nature of the incident which took place on 11th February, 2026 resulting in death of his brother, sections 103/105 of Bharatiya Nyaya Sanhita, 2023 need to be added with other provisions in connection with Bhutni P.S Case No. 15/26 dated 13th February, 2026.

3. A direction is prayed for upon the concerned police authorities to act accordingly.
4. Mr. Swapan Dutta, learned Government pleader represents State respondents who has filed a communication dated 5th April, 2026 of Officer-in-Charge, Bhutni Police Station, Malda along with supporting documents and same are taken on record. Copy of the communication dated 5th April, 2026 with enclosures are made over to the learned Advocate representing the petitioner.
5. It is disclosed in the communication dated 5th April, 2026 that after the death of brother of the petitioner on 11th February, 2026, first Bhutni P.S U.D. Case No. 03/26 dated 12th February, 2026 was initiated and which was transformed into Bhutni P.S Case No. 15/26 dated 13th February, 2026 under Section 281/106(1) BNS. It is also disclosed that three accused persons surrendered before the jurisdictional Magistrate and were released on bail.
6. Steps taken in connection with the criminal prosecution initiated by the police authority due to incident of death of brother of the petitioner on 11th February, 2026 are disclosed.

7. At this stage, Court is not inclined to direct the police authorities to add Sections 103/105 of BNS, 2023. However, issue is left open. Concerned police authority is directed to expedite investigation and submit a report before the jurisdictional Magistrate.
8. Petitioner shall be at liberty to approach the jurisdictional Magistrate if situation so arises.
9. Accordingly, W.P.A. 6644 of 2026 stands disposed of.
10. Urgent certified website copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Saugata Bhattacharyya, J.)