

21.04.2026
18 Court No. 05
(DL) (Suvendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

WPA 8338 of 2026

Minati Sarkar
-Versus -

The State of West Bengal & Ors.

Ms. Diksha Ghosh
Mr. Dip Dutta
....for the petitioner

Mr. Suman Sengupta
Mr. Nirmalya Biswas
.....for State respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. It is submitted on behalf of the petitioner that required steps are not being taken by the concerned police authority in connection with criminal prosecution being Khardah Police Station Case No. 123/26 dated 18th March, 2026 initiated under certain provisions of Bharatiya Nyaya Sanhita, 2023. Prayer is made in writ petition for directing police authorities to take steps in accordance with law in order to take investigation in connection with aforesaid criminal prosecution to its logical conclusion.

3. State respondents are represented by learned advocate who has filed a communication dated 13th April, 2026 of Officer-in-Charge, Khardah Police Station, Barrackpore Police Commissionerate and same is taken on record. Copy of said communication is made over to learned advocate representing the petitioner.

4. Steps taken in course of investigation in connection with Khardah Police Station Case No. 123/26 dated 18th March, 2026 are disclosed in communication dated 13th April, 2026. Investigating Officer visited place of occurrence and recorded statements of witnesses under section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS, 2023”). Notice was served under section 94 of the BNSS to the petitioner with request to produce relevant documents. Notices under section 35(3) of the BNSS, 2023 were served upon the FIR named persons. Subsequently FIR named persons surrendered before the learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas on 10th April, 2026 and obtained bail. In the same breath it is also disclosed in said communication that though petitioner being the complainant was served with notice under section 183 of the BNSS, 2023 for recording her statement but due to illness she could not appear before the Court. However, necessary steps were taken to collect injury report by sending requisition to the concerned hospital.

5. In view of aforesaid steps taken by the concerned police authority as disclosed in communication dated 13th April, 2026, it ought not to be concluded that police authorities did not take steps in connection with criminal prosecution being Khardah Police Station Case No. 123/26 dated 18th March, 2026.

6. Hence, no further order need be passed in the writ petition.

7. However, concerned police authority is directed to conclude the investigation and submit report before the jurisdictional Magistrate at an early date.

8. Writ petition stands disposed of.

9. There shall be no order as to costs.

10. Urgent photostat certified copy of this order, applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)