

20.04.2026
42 Court No. 05
(DL) (Suvendu Mukherjee)

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

WPA 8254 of 2026

Biswajit Sarkar
-Versus -
The State of West Bengal & Ors.

Ms. Sagnika Banerjee
....for the petitioner

Mr. Swapan Banerjee, Ld. AGP
Mr. Sumita Shaw
....for the State respondents

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Learned advocate representing the petitioner submits that in connection with other criminal prosecutions directions were given upon the police authorities to provide protection to the petitioner and at present petitioner is getting police protection. However, it is submitted that on 18th March, 2026 Personal Security Officer of the petitioner was physically assaulted by one police personnel namely Md. Ayef Ali Mondal and petitioner was also threatened with dire consequences prompting the petitioner to

lodge a complaint on 18th March, 2026 before Narkeldanga Police Station. It is also submitted that alleging aforesaid incident which took place on 18th March, 2026 said Md. Ayef Ali Mondal lodged a counter complaint against the petitioner.

3. During course of hearing, complaining of overt action on the part of particular police personnel concern is expressed on behalf of the petitioner that the investigation which is to be carried on based on complaint lodged by the petitioner on 18th March, 2026 may not be fair and impartial and prayer is made for transferring the investigation to an independent agency.

4. Mr. Swapan Banerjee, learned Additional Government Pleader represents State respondents and has placed before this Court a communication dated 9th April, 2026 of Officer-in-Charge, Narkeldanga Police Station and same is taken on record. Copy of said communication is made over to learned advocate representing the petitioner.

5. It is disclosed in said communication that two separate criminal prosecutions have been initiated, one against the petitioner and another against the concerned police personnel namely Md. Ayef Ali Mondal based on counter complaints both lodged on 18th March, 2026.

6. Taking note of the complaint lodged by the petitioner a criminal prosecution being Narkeldanga Police Station Case No. 132 dated 18th March, 2026 was initiated under certain provisions of Bharatiya Nyaya Sanhita, 2023.

7. It is submitted on behalf of the State respondents that investigation is going on and effort shall be made to expedite the investigation. In addition thereto, it is disclosed in communication dated 9th April, 2026 that departmental proceeding has been initiated against said police personnel namely Md. Ayef Ali Mondal.

8. Since it is found that investigation in connection with criminal prosecution being Narkeldanga Police Station Case No. 132 dated 18th March, 2026 is at nascent stage and no shortcoming is pointed out on behalf of the petitioner vitiating investigation, at this stage Court is not inclined to pass direction for transfer of investigation to another investigating agency. Concerned police authorities are directed to expedite investigation of Narkeldanga Police Station Case No. 132 dated 18th March, 2026 and submit report before the jurisdictional Magistrate at an early date.

9. However liberty is granted to the petitioner to approach the appropriate forum, if occasion so arises.

10. As the prayer is made on behalf of the petitioner for providing list of criminal prosecutions pending

against him under the jurisdiction of Kolkata Police and West Bengal Police, Director General of Police, West Bengal being respondent no. 2 and Commissioner of Kolkata Police being respondent no. 3 are directed to supply list of criminal prosecutions pending against the petitioner, if any, by three weeks from date.

11. Writ petition stands disposed of.

12. There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)