

16.06.2026
09 Court No. 05
(DL) (Suwendu Mukherjee)

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

WPA 8821 of 2026

Anwasha Basu

-Versus -

The State of West Bengal & Others

Mr. Pintu Karar
Mr. Sabab Uddin Laskar
Ms. Meghna Chowdhury

.....for the petitioner

Mr. Suryaneel Das, Ld. AGP
Ms. Anita Kundu
Ms. Sumita Sarkar

...for the 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 though criminal prosecution was initiated being Chatterjeehat Police Station Case No. 28/26 dated 5th February, 2026 under Sections 85, 316(2), 115(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 but Investigating Officer did not take steps for recovery of Stridhan articles from the petitioner's matrimonial house at Pune, Maharashtra. Direction is prayed for upon the concerned police authority to recover stridhan articles from matrimonial house of the petitioner.

3) Learned Additional Government Pleader representing the State respondents has filed a communication dated 12th June, 2026 of Inspector-in-Charge of Chatterjeehat Police Station, Howrah Police Commissionerate and same is taken on record. Copy of said communication dated 12th June, 2026 is made over to learned advocate representing the petitioner.

4) It is disclosed in communication dated 12th June, 2026 that steps were taken in connection with Chatterjeehat Police Station Case No. 28/26 dated 5th February, 2026. On completing investigation charge-sheet was filed being Chatterjeehat Police Station Charge Sheet No. 31/26 dated 28th February, 2026.

5) It is contended on behalf of the State respondents that court below has taken cognizance of offence.

6) Since a judicial order was passed by the court below by taking cognizance of offence after filing of charge-sheet, application under Article 226 of the Constitution is not maintainable. This is neither an application under Article 227 of the Constitution nor an application under section 482 of the Criminal Procedure Code vis-à-vis section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2024) SCC OnLine SC 5761 [Neeta Singh & Ors. Vs. State of U.P. & Ors.]**.

7) Hence, writ petition is not entertained and same stands dismissed.

8) However, this order shall not preclude the petitioner to take steps in accordance with law by approaching trial court in pursuit of remedy.

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

(Saugata Bhattacharyya, J.)