

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 9729 OF 2026

PRASANTA SAHA AND ANOTHER
VS.
STATE OF WEST BENGAL AND OTHERS

.....

Mr. Somnath Mukherjee, Adv.
...For the Petitioners

Mr. Suryaneel Das, AGP
Ms. Anita Kundu, Adv.
Mr. Bhaskar Bhattacharyya, Adv.
...For the State

Mr. Samrat Choudhury, Adv.
Mr. Soumya Kanti Nag, Adv.
Ms. Arju Sahani, Adv.
...For the Respondent Nos.5-7

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. It appears from the submissions made on behalf of the petitioners that in connection with the criminal prosecution initiated by the police authority, charge-sheet was filed before the jurisdictional Magistrate.
3. It is also submitted by the learned advocate representing the petitioners that being dissatisfied with the charge-sheet filed by the investigating agency, application under Section 193 (9) of Bharatiya Nagarik Suraksha Sanhita, 2023 was filed by the petitioners before the jurisdictional Magistrate.
4. In view of filing of charge-sheet by the investigating agency in connection with criminal prosecution and subsequent thereto filing of petition under Section 193(9) of BNSS, 2023 by the petitioners, no order need be passed on this writ petition since Court is considering writ under Article 226 of the Constitution. It is neither an application under Article 227 of the Constitution nor application under Section 482 Cr.P.C. *vis-à-vis* 528 of BNSS, 2023.
5. Hence, writ petition stands dismissed.

6. However, this order shall not preclude the petitioners to approach the jurisdictional Magistrate, in accordance with law.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)