

WPA 10108 of 2026

**Masad Khan
Vs.
The State of West Bengal & Ors.**

Mr. Abhinaba Dan
Ms. Manju B. Sharma
...for the petitioner
Mr. Suryaneel Das
Mr. Partho Chakraborty
Ms. Sneha Chatterjee
...for the State
Mr. Diptangshu Basu
...for the respondent nos. 4 to 6

1. Matter is heard in presence of the learned advocates representing petitioner, State respondents and respondent nos. 4 to 6.
2. It is submitted on behalf of petitioner that after initiation of criminal prosecution being Sonamukhi P.S. Case No. 285/2025 dated 12th August, 2025 under relevant provisions of BNS. It was found that investigation was not carried out adding relevant provisions of the Arms Act, 1959 which according to the petitioner was necessary for effective investigation of the aforesaid criminal prosecution. Prayer is made for giving direction upon the investigating agency to take steps in this regard.
3. Mr. Das, learned Additional Government Pleader representing State respondents has

filed a communication dated 27th June, 2026 of Inspector-in-Charge, Sonamukhi Police Station, Bankura and same is taken on record. Copies of the communication dated 27th June, 2026 are made over to the learned advocates representing petitioner and respondent nos. 4 to 6.

4. It is disclosed in the communication dated 27th June, 2026 that first round of investigation in the aforesaid criminal prosecution is complete and charge sheet being no. 338/2025 dated 13th November, 2025 was submitted before the jurisdictional Magistrate. After filing of charge sheet further investigation was carried out, first supplementary charge sheet was filed being no. 78/2026 dated 6th April, 2026 under Sections 126(2)/103(1) and 61(2) of BNS 2023.
5. It is relevant to record herein that communication dated 27th June, 2026 further discloses that sanction for prosecution under relevant provisions of the Arms Act, 1959 has been sought for from the concerned authority and investigating agency is awaiting such sanction. If such sanction is accorded by the concerned authority in that event according to the investigating agency steps shall be taken for further investigation in terms of relevant

provisions of Arms Act 1959 and necessary steps to be taken thereafter.

6. Therefore, it appears to this Court on perusal of the communication dated 27th June, 2026 that investigating agency has taken steps to initiate prosecution under the relevant provisions of Arms Act, 1959.
7. At this stage, Court does not find it necessary to give direction upon the investigating agency to carry out prosecution under relevant provisions of Arms Act, 1959. In the event petitioner is dissatisfied with manner of investigation being carried out or further investigation is not made due to sanction not accorded by the concerned authority for investigation under the relevant provisions of Arms Act, 1959, petitioner shall be at liberty to approach jurisdictional Magistrate in pursuit of remedy.
8. Writ petition stands disposed of.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)