

In The High Court at Calcutta

CONSTITUTIONAL WRIT JURISDICTION

(Appellate Side)

W.P.A. 10718 OF 2026

SUDESHNA BHATTACHARYA
VS.
THE STATE OF WEST BENGAL AND OTHERS

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Mr. Navanil De, Adv.
Ms. Monami Mukherjee, Adv.
Ms. Debarshi Mukhopadhyay, Adv.
... For the Petitioner

Ms. Suchitra Sinha Chatterjee, Adv.
Mr. Bhaskar Bhattacharyya, Adv.
...For the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Supplementary affidavit affirmed on 11th May, 2026 is filed on behalf of the petitioner and same is also taken on record.
3. Learned advocate representing the petitioner submits that after filing of this writ petition on 6th May, 2026 complaint of the petitioner was transformed into FIR by initiating a criminal prosecution being Jadavpur P.S. Case No.70 of 2026 dated 7th May, 2026 under Sections 85/316(2)/3(5) of Bharatiya Nyaya Sanhita, 2023.
4. It is contended on behalf of the petitioner that there is allegation of bigamy requiring addition of Section 82 of BNS, 2023 to the aforesaid criminal prosecution.
5. Accordingly, prayer is made in this writ petition to direct the investigating agency to add Section 82 of BNS to the aforesaid criminal prosecution.
6. State respondents are represented by Ms. Suchitra Sinha Chatterjee, learned advocate.
7. Having considered the submissions made on behalf of the parties, it is found that based on the complaint lodged by

the petitioner FIR has been registered and aforesaid criminal prosecution has commenced. At this stage, Court is not giving direction upon the concerned police authority to add Section 82 of BNS, 2023.

8. However, it will be open to the investigating agency to consider the complaint of the petitioner and investigate the criminal prosecution in connection with Jadavpur P.S. Case No.70 of 2026 dated 7th May, 2026 accordingly and take the same to its logical conclusion by submitting report before the jurisdictional Magistrate at an early date.
9. It is made clear that if petitioner is dissatisfied with the report to be submitted before the jurisdictional Magistrate on completion of investigation, in that event, it will be left open to the petitioner to approach the Magistrate under Section 193(9) of Bharatiya Nagarik Suraksha Sanhita, 2023.
10. With the aforesaid observation writ petition stands disposed of.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)