

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

MAT No. 924 of 2023

+
CAN 1 of 2023

State of West Bengal and others
-vs-
Nilkamal Sarkar and others

For the appellants : Mr. Debangshu Dinda.

For the private
Respondents : Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Mr. Debasish Das,
Mr. Bratin Sain.

For the Union of India: Mr. Tirthapati Acharyya.

For the NIA : Mr. Arun Kumar Maiti (Mohanty), Spl. PP NIA,
Mr. Bhaskar Prosad Banerjee, Spl. PP NIA,
Mr. Debasish Tandon, PP NIA.

Heard on : January 6, 2026.

Judgment on : January 6, 2026.

Sabyasachi Bhattacharyya, J.:

1. The genesis of the present appeal is an order passed by the writ court on the writ petition of the private respondents herein, who are the unfortunate parents of two young students. The incident which gave rise to the writ petition was a ruckus in which the said two students met their demise.
2. The writ petitioners/private respondents herein sought investigation by an independent agency, which was granted by the writ court by way of handing over the investigation from the State Police Authorities to the National Investigation Agency (NIA). Being thus aggrieved, the State has preferred the present appeal.
3. The NIA was directed by us to file a report as to the progress of the investigation.
4. Insofar as the progress report is concerned, which is filed in court today in a sealed cover, we direct the seal to be broken and the envelope to be opened and go through the report.
5. On a perusal of the said report, we are sufficiently satisfied that substantial progress has been made by the NIA, particularly keeping in view that they were handed over the

charge of the investigation at a belated stage, when some of the evidence might have already been lost.

6. In any event, in order to enable all concerned to have access to the report at a future point of time, if necessary, we make the report a part of the record and make it clear that it will be open to any interested party to obtain certified copies of the reports, after filing of the charge-sheet and/or final report, as applicable, from the records of this Court.
7. However, at this stage, we are not recording the particulars of the stage of investigation, since it might have a detrimental effect on the ongoing investigation.
8. Insofar as the merits of the appeal are concerned, since the NIA has already progressed sufficiently into the investigation after being handed over the charge, we are not inclined to interfere with the impugned order of the learned Single Judge.
9. Moreover, we cannot lose sight of the fact that serious allegations have been levelled by the writ petitioners/ private respondents herein against the Police Authorities, who are under the direct supervision of the State Government and as such, it would not be fair, in the interest of justice, even without casting any aspersion on the police authorities, to retain the

investigation with the self-same authorities against whom charges have been levelled by the writ petitioners/private respondents herein.

10. In such view of the matter, MAT No. 924 of 2023, along with CAN 1 of 2023, are disposed of without interfering with the impugned judgment and order dated May 10, 2023 passed in WPA No. 20733 of 2018 and keeping the report filed by the NIA today on record.
11. We express hope and trust, going by the progress made till date, that the investigation shall be concluded within a reasonable time soon and the charge-sheet and/or final report, whichever is applicable, shall be filed by the NIA at the earliest before the appropriate court/forum.
12. There will be no order as to costs.
13. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)