

W.P.A. 13628 of 2026

Dipan Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Sabyasachi Banerjee,
Mr. Aniban Dutta,
Mr. Ayan Mondal

....for the petitioner.

Mr. Suryaneel Das,
Mr. Partha Chakraborty,
Ms. Sneha Chatterjee

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. A complaint was lodged on 24th March, 2026 before the concerned police authority since stock of gold ornaments was found missing in a jewellery shop worth Rs.8.5 crore.
3. Based on the complaint criminal prosecution was initiated being Serampore Police Station Case No.174/2026 dated 24th March, 2026 under Sections 316(4)/316(5) of BNS, 2023.
4. However, Mr. Banerjee, learned senior advocate representing the petitioner expresses dissatisfaction with regard to manner of investigation being carried out in connection with

the aforesaid criminal prosecution.

5. It is submitted that based on the relevant provisions of BNSS, 2023 police authority did not make attempt to seize materials which would be the basis of final report to be filed before the jurisdictional Magistrate. There was no appropriate search and seizure operation.
6. It is also submitted that tags of ornaments found missing were available at the jewellery shop and were made over to the investigating officer but that did not yield result. Prayer is made for transferring investigation to Criminal Investigation Department (CID) or any other higher police official.
7. On behalf of the State respondents a communication dated 22nd June, 2026 is filed today and same is taken on record. Copy of the communication dated 22nd June, 2026 is made over to the learned advocate representing the petitioner.
8. It is submitted that due to intervening Assembly Election 2026 there was change of investigating officer causing delay in completing the investigation.

9. However, investigating officer examined complainant and other witnesses and recorded their statements under Section 180 BNSS. Notice was issued under Section 94 BNSS upon the complainant. Investigating officer visited place of occurrence and tags of missing ornaments were seized. Accused person was arrested in Darjeeling and he was under police custody. It is submitted that the accused person is still in custody. Present investigating officer collected deeds and documents along with bank statements of the accused and his wife.
10. In view of steps taken as it emanates from communication dated 22nd June, 2026, concerned police authority is directed to expedite the investigation and take the same to its logical conclusion at an early date and file charge-sheet before the jurisdictional Magistrate. CCTV footage already recovered shall be preserved.
11. Writ petition stands disposed of.
12. However, petitioner shall be at liberty to approach the jurisdictional Magistrate, if occasion so arises.
13. Urgent photostat certified copy of the order, if

applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)