

21.04.2026
rc/ct.no.15
Item No.02

WPA No. 16739 of 2025
And
CAN No. 1 of 2026
Divyang Sikaria
Versus
State of West Bengal & Ors.

Mr. Arka Pratim Chowdhury
Ms. Dipanwita Das
Ms. Aishwarya Royfor the petitioner

Mr. Suman Ghosh
Mr. Sankha Prasad Roy ...for the State

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Ms. Upasana Banerjee...for the respondent nos.4&6

Re : CAN No. 1 of 2026

Affidavit of service filed by the petitioner and report submitted by the State are taken on record. A copy of the report is made over to the learned counsel for the petitioner in Court this day.

The petitioner seeks recalling of the order passed on February 04, 2026 which was subsequently corrected on February 09, 2026 on the ground that the petitioner sought to withdraw the writ petition on the basis of incorrect submission made on behalf of the State before the Court.

Learned counsel for the petitioner submits that on February 04, 2026, when the matter was taken up for hearing the State respondents incorrectly informed this Court that the petitioner had filed a naraji petition before

the learned trial Court. Fact remains that no such petition was filed at all.

Learned counsel for the State denies such contention.

The order dated February 04, 2026 does not reflect any submission made on behalf of the State to the effect that the petitioner filed a naraji petition before the learned trial Court. Even if it is held that such submission was made, it was for the petitioner to verify such submission before deciding to withdraw the writ petition. In fact, paragraph 4 of the application (CAN No. 1 of 2026) reflects that the prayer for withdrawal was made after obtaining urgent instruction by the learned counsel for the petitioner.

In view of the above, this Court is inclined to hold that since the petitioner decided not to proceed with the matter any further upon taking instructions, the order dated February 04, 2026 does not call for review/recall. However, the petitioner is at liberty to approach the appropriate forum in the event he is aggrieved with the investigation/ final report.

Accordingly, the application being CAN No. 1 of 2026 is dismissed.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)