

Item No.- 28
22.06.2026
Court No. 1
Rohan

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

MAT 1468 of 2024

**Kaykashan Khatun @ Kaykashan Khatoon &
Ors.
Versus
The State of West Bengal & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Badrul Karim
Mr. Risabh Ahmad Khan
Mr. Tirupati Mukherjee
Mr. Debottam Das

... for the Appellant

Mr. D. N. Ray, Ld. GP
Mr. Ajit Kr. Mishra, Ld. AGP
Mr. Madhu Jana
Mr. Gopal Krishna Sarkar
Ms. Puja Sankar

... for the State

Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar

... for the Respondent No. 7 & 8

The present appeal has been preferred challenging an order dated 19th April, 2024 passed by the learned Single Judge in a review petition being RVW 274 of 2023 filed in connection with a writ petition being WPA 8458 of 2023. The said writ petition was disposed of by

an order dated 11th April, 2023 observing *inter alia* that ‘the petitioners have comprehensive and alternative remedy of appeal against the order under Section 91 of Cr.P.C. and against the chargesheet under Section 482 of the Cr.P.C.’. Aggrieved by the said order, the writ petitioners preferred an appeal being MAT 707 of 2023 but the same was dismissed with an observation that ‘if in the opinion of the appellants, there is any error in the order passed in the writ petition, the appeal is not the only remedy and the avenue to the appellants is to file a review application and make out a case before the very same court’. Subsequent thereto, the petitioners filed the review petition being RVW 272 of 2023 in which, initially an order was passed on 15th December, 2023 directing the Officer-in-Charge, Sankrail Police Station to remove the photographs of the petitioner from the police station and not to circulate the same. Pursuant to such direction, a report was filed on 4th January, 2024 stating that the photographs of the petitioners have been removed from notice board of the police station. Considering the said report, the learned Single Judge disposed of the review petition with the observation that the petitioner ‘may explore any other remedies available to him, *inter alia*, under Section 482 of the Cr.P.C.’

Mr. Chatterjee, learned advocate appearing for the writ petitioners/appellants submits that there was an error apparent on the face of the order dated 11th April, 2023 inasmuch as the Hon'ble Court failed to appreciate that the direction for removal of photographs of the petitioners from the notice board of the police station was not the sole prayer in the writ petition. While considering the review application, the learned Single Judge erroneously did not take into consideration the other reliefs as claimed in the writ petition and restricted the order only towards removal of the photographs of the petitioners from the notice board of Sankrail Police Station. Such infirmity warrants interference in appeal.

Mr. Mrityunjoy Chatterjee, learned advocate appearing for the respondent Nos. 7 and 8 submits that there is no infirmity in the order impugned and the review petition, as prayed for, was restricted to the issue as regards affixation of the petitioner's photographs in the notice board of the Sankrail Police Station.

Mr. Ray, learned Government Pleader appearing for the State respondents, submits that the records itself would reveal that upon considering the arguments as advanced, the learned Single Judge, while disposing of the review application, chose to interfere since it was

submitted on behalf of the petitioners that the learned advocate of the writ petitioners inadvertently did not press the prayer 'c' of the writ petition as regards removal of photographs from the notice board of the Sankrail Police Station. The other reliefs as presently claimed were not even urged before the learned Single Judge.

We have heard the learned advocates appearing for the respective parties and considering the materials on record.

The reliefs as claimed in the writ petition pertains to Sankrail Police Station Case No. 1199 of 2021 dated 3rd October, 2021 under Sections 341/323/353/506/34 of IPC and Sections 25(1)(a)/27 of the Arms Act, 1959. It would be explicit from the order dated 15th December, 2023 passed in the review application that the review was entertained as it was submitted on behalf of the petitioners that the learned advocate of the writ petitioners inadvertently did not press prayer 'c' in the writ petition and accordingly upon considering such submission, the Court considered the said prayer and directed removal of photographs from the notice board of the Sankrail Police Station and in the said conspectus, the appellants cannot reinvigorate the other prayers made in the writ petition at this stage.

For the reasons discussed above, no interference is called for in the present appeal and accordingly, the appeal and the connected application, if any, are dismissed.

It is, however, made clear that this order shall not prevent the appellants to take appropriate steps before the competent forum, if so advised, and in accordance with law.

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

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)