**5**
**19.11.2026**
**Ct. No. 05**
**adeb**

# W.P.A. 25974 OF 2026

**SRI MANORANJAN MAHATA**
**VS.**
**THE STATE OF WEST BENGAL AND OTHERS**
**.....**

Mr. Ritzu Ghosal, Sr. Adv.
Mr. Aniruddha Chatterjee, Sr. Adv.
Mr. Supratim Dhar, Sr. Adv.
Mr. Balai Shaw, Adv.
Mr. Lalita Mohan Mahata, Adv.
Ms. Debjani Sahu, Adv.
Mr. Sarwar Jahan, Adv.
Mr. Shamik Chatterjee, Adv.
Mr. Ziaul Haque, Adv.
Mr. Bibaswan Bhattacharyya, Adv.
Mr. Sourat Nandy, Adv.
Mr. Poonnug Roy, Adv.
Mr. Bhaskar Mondal, Adv.
Mr. Amit Bikram Mahata, Adv.
Mr. Aditya Bikram Mahata, Adv.
Mr. Jyotiraditya Mondal, Adv.
Mr. Sahil Kabir, Adv.
Mr. Anirban Das, Adv.

*... For Petitioner*

Mr. Rajdeep Majumder, Ld. AAG
Mr. Sourav Sengupta, Adv.
Mr. Mayukh Mukherjee, Adv.
Mr. Avinash Kankani, Adv.

*... For State*

Mr. Biswabrata Basu Mallick, Adv.
Mr. Biman Halder, Adv.
Mr. Aman Arif Answari, Adv.

*... For Respondent No. 7*

1. Alleged incident of unfortunate death of son of petitioner gave rise to Narendrapur Police Station Case No. 861 of 2026 dated 1st July, 2026 under Sections 105/106(1) of Bharatiya Nyaya Sanhita, 2023.

2. It appears from submission made on behalf of petitioner by Mr. Chatterjee, learned senior advocate and Mr. Mukherjee, learned advocate representing State respondents that while taking breakfast in the institute namely Narendrapur Ramakrishna Mission son of petitioner took hot tea and food and subsequently health condition of the student deteriorated and ultimately the student succumbed on 30th June, 2026. It further appears that on concluding investigation in aforesaid criminal prosecution charge sheet dated 9th September, 2026 was filed before the jurisdictional Magistrate under Section 106(1) of BNS, 2023 against one person who is Housemaster of Narendrapur Ramakrishna Mission.

3. Petitioner is dissatisfied with manner of investigation leading to preparation of charge sheet dated 9th September, 2026 and prayer is made for conducting further investigation which is to be monitored by competent authority in order to unearth truth which led to unfortunate death of petitioner's son on 30th June, 2026.

4. It is also contended on behalf of petitioner that there were six eye witnesses who were present at the time of alleged incident requiring interrogation of those eye witnesses. Prayer is also made for recording statements of those eye

witnesses under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Allegations are also made against Management of Narendrapur Ramakrishna Mission for not taking timely steps just after alleged incident which could have saved life of the student.

6. It is contended on behalf of State respondents that CCTV footage of relevant part of the day when the incident took place is preserved and same was taken into consideration while conducting investigation. It is also submitted that eye witnesses were interrogated and statements were recorded under Section 180 of BNSS, 2023. It is further contended that if petitioner is dissatisfied with manner of investigation and charge sheet dated 9th September, 2026 in that event he has remedy under Section 193(9) of BNSS, 2023 by approaching jurisdictional Magistrate. However, it is submitted that till date cognizance of offence is not taken.

7. Narendrapur Ramakrishna Mission is represented by Mr. Basu Mallik, learned advocate who has denied allegations made against management of institute while dealing with the incident related to the student who succumbed on 30th June, 2026.

8. Since charge sheet dated 9th September, 2026 is filed on concluding investigation and if petitioner is dissatisfied with manner of investigation and charge sheet filed on conclusion of such investigation in that event he has remedy under Section 193(9) of BNSS, 2023 by approaching jurisdictional Magistrate seeking further investigation.

9. In view of remedy available to the petitioner under the statutory framework issues raised in this writ petition at this stage are not required to be delved into and as such present writ petition is disposed of thereby granting liberty to petitioner to approach jurisdictional Magistrate under the relevant provisions of BNSS, 2023, if petitioner is not satisfied with the investigation. Concerned police authorities are directed to preserve CCTV footage.

10. Parties to act on server copy of this order duly downloaded from the official website of this Court.

**(Saugata Bhattacharyya, J.)**