**07.10.2026**
10 Court No. 05
(DL) (Suvendu Mukherjee)

# IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
(APPELLATE SIDE)

**WPA 26508 of 2026**

**Almas Zainab**
**–Versus –**
**The State of West Bengal & Ors.**

Mr. Siddhartha Lahiri
Mr. Debraj Dutta
....for the petitioner

Mr. Madhu Jana
Mr. Ansuman Bhattacharyya
...for the State respondents

Ms. Debanwita Pramanik
Mr. Sayan Roy
...for the private respondents

1) Affidavit of service filed on behalf of petitioner is taken on record.

2) By presenting this writ petition, prayer is made for issuance of mandamus thereby directing police authorities to recover gold ornaments. It is submitted that due to marital acrimony a criminal prosecution has been initiated being Durgapur Police Station Case No. 478/2025 dated 21st November, 2025 and in connection therewith police authorities are required to take necessary steps for recovery of some articles including gold ornaments.

3) It is contended on behalf of petitioner that petitioner is entitled to approach this Court on the count of violation of Article 21 of the Constitution of India and in support of same judgment of the Hon'ble Supreme Court reported in **2025 SCC OnLine SC 2602** (**Rousanara Begum Vs. S.K. Salahuddin alias Sk Salauddin & Anr.**) is relied upon.

4) Learned advocate representing State respondents has submitted that on concluding investigation in aforesaid criminal prosecution charge-sheet dated 18th February, 2026 was filed before jurisdictional Magistrate and cognizance of offence was taken on 27th June, 2026. Once charge-sheet is filed on concluding investigation and cognizance of offence is taken by the court below writ petition under Article 226 of the Constitution of India is not maintainable. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2024) SCC OnLine SC 5761** [**Neeta Singh & Ors. Vs. State of U.P. & Ors.**]. It is neither a petition under Article 227 of the Constitution nor a petition under Section 482 of the Code of Criminal Procedure vis-à-vis Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Once order of court below intervenes in a criminal proceeding writ petition under Article 226 is not maintainable as propriety of judicial order ought not to be delved into in a writ petition.

5) Hence, present writ petition is not entertained and same stands dismissed.

6) However, this order shall not preclude petitioner to take steps in accordance with law, if so advised.

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

**(Saugata Bhattacharyya, J.)**