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to  
03  
rkd

29.06.2026  
Ct.05

W.P.A. 26472 of 2024

Sheik Samsu Alam

-vs-

The State of West Bengal & Ors.

&

W.P.A. 26504 of 2024

Nuralam Mallik

-vs-

The State of West Bengal & Ors.

&

W.P.A. 26506 of 2024

Sheik Mojam

-vs-

The State of West Bengal & Ors.

Mr. Sandipan Ganguly,  
Mr. Sourav Chatterjee,  
Mr. Srijib Chakraborty,  
Ms. Rupsa Sreemani

....for the petitioners.

Mr. Partha Chakraborty,  
Ms. Sneha Chatterjee

....for the State.

1. Three writ petitions are heard in presence of the learned advocates representing the petitioners and State respondents.
2. Learned advocate representing the State respondents submits that these three writ petitions are connected to one criminal prosecution being Kharagpur (Town) Police Station Case No.357/2024 dated 24<sup>th</sup> August, 2024.

3. It is also submitted that on completing investigation charge-sheet was filed before the jurisdictional Magistrate being No.147/2026 dated 16<sup>th</sup> April, 2026 under Sections 316(2) /316(5) / 318(4) /319(2) /336(2) /340(2) /3(5) of BNS, 2023. It is contended that after filing of charge-sheet cognizance of offence is taken by the jurisdictional Magistrate.
4. Court is considering all the three writ petitions under Article 226 of the Constitution of India and these are not applications under Article 227 of the Constitution of India nor applications under Section 482 Cr.P.C./528 BNSS,2023.
5. Once in connection with criminal prosecution charge-sheet is filed and cognizance of offence is taken by the court below by passing a judicial order, writ petition under Article 226 of the Constitution of India questioning criminal prosecution or other aspects of the said criminal prosecution, is not maintainable.
6. 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. v. State of Uttar Pradesh & Ors.)**.

7. However, Mr. Ganguly, learned senior advocate representing the petitioner in WPA 26472 of 2024 has argued that issue involved in the said writ petition is different since prayer is couched in the writ petition questioning arrest of the petitioner and conduct of the concerned police authority.
8. Today Court finds that fate of arrest of the petitioner in WPA 26472 of 2024 ought not to be decided due to impending proceedings in connection with aforesaid criminal prosecution which will commence soon taking note of the fact that cognizance of offence is taken.
9. If on the issue of arrest or other attending circumstances any observation is made while disposing of these writ petitions that may impact impending proceedings.
10. Hence, Court is not inclined to pass further order in these three writ petitions when order taking cognizance of offence passed by court below has intervened and three writ petitions are disposed of.
11. However, petitioners in all the writ petitions are at liberty to approach the appropriate forum in accordance with law.

12. Interim order passed earlier stands vacated.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**