ML.21 05.10.2026
NB Ct. 758

WPA 27728 of 2024

Md. Rubel Anwar
Vs.
Union of India&Ors.

Mr. Mrityunjoy Chatterjee,
Ms. Suchismita Chakraborty,
Mr. Arka Roy.
...for the petitioner.

Ms. Soma Chakraborty,
Ms. Koushikee Banerjee.
....for the State.

1. The writ petition has been filed alleging police inaction. The petitioner, being the son of the deceased, is aggrieved by the inaction on the part of the police in executing a warrant of arrest against two absconding accused persons, in connection with Manikchak Police Station Case No. 406/2024 dated 09.06.2024.

2. It is submitted that Manikchak Police Station Case No.406 of 2024 dated 09th June, 2024 under Sections 341/325/326/302/307/34 IPC was registered for investigation. On basis of a complaint lodged by the petitioner Learned advocate appearing for the petitioner submits that two applications for anticipatory bail an accused namely, Md. Nasir was rejected by this Court. However, despite the same, the said accused person has not been arrested. He further submits that the said Md. Nasir is terrorizing the de facto complainant and the police officials were also pressuring the petitioner to withdraw the said FIR.

3. On the above premise, the petitioner has prayed for handing over the aforesaid case to some other specialized Investigating Agency for proper investigation of the case.
4. The State has submitted a report dated 27.08.2026.From the aforesaid report, it appears that upon the registration of the aforesaid case, the police had seized wearing apparel of the deceased, blood-stained earth, the weapons namely iron rod, sabal and bamboo sticks. The police had also seized the concerned motorcycle and the mobile phones of accused Anwar Hossain, Aowal Sk. and Injamamul Hoque in course of the investigation.
5. That apart, dying declaration of the victim was also duly recorded. The Autopsy Surgeon's opinion has been obtained.Judicial statements of relevant witnesses have already been recorded. Several accused persons had been arrested after repeated raids at different places.
6. It is submitted that two accused persons are still absconding.
7. It is further submitted that after a thorough investigation of the case, Charge Sheet No.413 of 2024 dated 04.09.2024 under Sections 341/325/326/302/307/34/120B IPC has already been submitted against 59 (fifty-nine) accused persons, who are facing trial in accordance with law.
8. Upon perusal of the facts of the above instant case, it appears that steps were taken by the IO, who after investigating the case submitted a chargesheet against 59 accused persons. The Status report further records that 55 accused persons are on bail, two are in judicial custody

while two, remain absconding. The proceedings against the absconding accused persons have been separated, and the trial against the remaining accused persons has commenced.

9. In considered opinion of this Court, on the material presently placed before this Court, no sufficient ground has been shown for transferring the investigation to another agency.

10. The trial court shall ensure that the police officer responsible for execution of the warrant of arrest shall take prompt steps in accordance with law and submit reports to the learned trial court specifying the steps taken and, if the warrants remain unexecuted, the reasons therefor. The learned trial court shall consider such reports and pass appropriate orders.

11. As regards the allegations of intimidation and pressure to withdraw the complaint, the petitioner is at liberty to submit a written representation containing particulars to the Superintendent of Police, Malda. If such a representation is submitted, the Superintendent of Police shall cause the allegations to be examined promptly by an officer other than any officer against whom a specific allegation is made and take appropriate steps in accordance with law.

12. The learned trial court is requested to proceed with the trial expeditiously.

13. WPA 27728 of 2024 is disposed of with the above observations, without any order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Anuj Singh, J.)