

26.02.2026
rc/ct.no.05
Item No.05

WPA No. 27945 of 2024
Pradeep Kumar Shaw
Versus
Union of India & Ors.

Mr. Pritam Majumder
Mr. Subhajit Purkait ..for the petitioner

Mr. Arun Kumar Maiti
Mr. Bhaskar Prosad Banerjee
Mr. Debashish Tandon ...for the NIA

Mr. Kalyan Kumar Bandyopadhyay
Mr. Suman Sengupta ..for the State

Learned counsel for the petitioner submits that though the complaint lodged by the petitioner demonstrates scheduled offence, the same has not been forwarded to the State Government and thereafter to the Central Government for investigation by the National Investigation Agency in compliance with Section 6 of the National Investigation Agency Act (in short, 'the said Act').

Learned counsel for the State submits that investigation has been concluded and charge sheet has been submitted. The case has been committed to the learned Court of Sessions and charges have been framed. The date is fixed for evidence of witnesses.

I have considered the rival submission of the parties.

It shall be useful to reproduce Section 6 of the said Act.

“6. Investigation of Scheduled Offences (1)
On receipt of information and recording thereof under section 154 of the Code relating to any Scheduled

Offence the officer-in-charge of the police station shall forward the report to the State Government forthwith.

(2) On receipt of the report under sub-section (1), the State Government shall forward the report to the Central Government as expeditiously as possible.

(3) On receipt of report from the State Government, the Central Government shall determine on the basis of information made available by the State Government or received from other sources, within fifteen days from the date of receipt of the report, whether the offence is a Scheduled Offence or not and also whether, having regard to the gravity of the offence and other relevant factors, it is a fit case to be investigated by the Agency.

(4) Where the Central Government is of the opinion that the offence is a Scheduled Offence and it is a fit case to be investigated by the Agency, it shall direct the Agency to investigate the said offence.”

In the case in hand, it is not in dispute that the complaint lodged by the petitioner demonstrates a scheduled offence.

It is pertinent to mention that by an order passed on December 09, 2025 in WPA No. 29879 of 2024 this Court directed the police authority to act in compliance of Section 6 of the said Act. The said order was carried in appeal before the Hon’ble Supreme Court and by an order passed on February 23, 2026, the Hon’ble Supreme Court affirmed the order of this Court and granted a time frame for the petitioner to comply with the direction of this Court.

In view of the proposition laid down in the Act itself, this Court directs the 6th respondent to forward the complaint forthwith to the State Government in terms of Section 6(1) of the said Act. The other authorities, i.e., the State Government and the Central Government shall take necessary steps in terms of Section 6 of the said Act.

In view of the direction of this court in this order, the learned trial Court shall not proceed with the trial till the matter is dealt with by the appropriate agency.

The writ petition is disposed of.

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

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

(Suvra Ghosh,J)