01.10.2026
SL No.1
Court No.12
(gc)

WPA 22405 of 2026

Somnath Dey
Vs.
The State of West Bengal & Ors.

Dr. Arka Pratim Chowdhury,
Ms. Puja Rajbhor,
Mr. Samrat Saha,
Mr. Swattik Batabyal,
Ms. Aishwarya Roy

...for the Petitioner.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.,
Mr. Sirsendu Sinha Roy,
Mr. Debashis Banerjee,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Mrs. Pritha Sinha

...for the Respondent no. 7.

Mr. Suryaneel Das, Ld. AGP,
Mr. Madhu Jana, Ld. JGA,
Mr. Rahul Agarwala,
Mr. Prasanta Naskar

...for the State.

Mr. Dhiraj Trivedi, Ld. ASGI,
Mr. Amajit De, Special PP, CBI

...for the CBI.

1. Learned Advocate for the petitioner has drawn the attention of the Court to the letter of complaint addressed by the father of the victim/deceased, which was registered as Khardah Police Station Case No. 432 of 2026 dated 10.08.2026 registered under Sections 329(3)/126(2)/351(2)/238/301/255/256/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. The contents of the said letter of complaint primarily reflects that on

the same issues, the CBI is investigating, pursuant to the direction of this Court on 21.05.2026. The CBI has filed a number of reports from time to time.

2. We have already perused such reports. They include investigation into the accusations made in the letter of complaint. We are of the opinion that, on the self-same issue, both the CBI and the State agency cannot carry forward the investigation.

3. Accordingly, on the settled proposition of law, we deem it feet and proper to transfer Khardah Police Station Case No. 432 of 2026 dated 10.08.2026 registered under Sections 329(3)/126(2)/351(2)/238/301/255/256/61(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 for investigation by the same SIT, which is carrying on the investigation in respect of RC0482024S0010 dated 13.08.2024.

4. In case, any accused is in custody in connection with Khardah Police Station Case No. 432 of 2026 dated 10.08.2026, the SIT will take into account whether further custody is required or not and, accordingly, present necessary prayers before the jurisdictional court.

5. As we have been informed that the court is presently under the domain of the learned ACJM, Sealdah, the records be transferred to the court of the learned

ACJM, Sealdah from the court of the learned ACJM Barrackpore.

6. The Investigating Officer of Khardah Police Station will not take any further step and immediately handover all the records to the SIT, which is conducting the investigation on behalf of the CBI, as per the direction of this Court.

7. Pursuant to the earlier direction of this Court, the Inspector-in-Charge, Khardah Police Station and the Investigating Officer are present. We are not satisfied with the explanation offered and we caution them to be more careful in future. Their personal appearance is dispensed with.

8. Accordingly, the writ petition, being WPA 22405 of 2026 is disposed of with the aforesaid directions.

9. However, there shall be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Shampa Sarkar, J.)

(Tirthankar Ghosh, J.)