

In The High Court at Calcutta
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. 14873 OF 2026

PAWAN KUMAR RAJGARIA
VS.
THE STATE OF WEST BENGAL AND OTHERS
.....

Mr. Kallol Basu, Adv.
Mr. Chandra Sekhar Banerjee, Adv.
Mr. Abhijit Ganguly, Adv.
Mr. Shamit Dutta, Adv.

...For the Petitioner

Mr. Suman Banerjee, Adv.
Mr. Abhee Dutta, Adv.

...For the State

Mr. Antarikhya Basu, Adv.
Ms. Madhumita Basak, Adv.
Mr. A. Halder, Adv.
Mr. Sabyasachi Bhattacharjee, Adv.
Ms. Prachi Jain, Adv.
Mr. Sudip Roy, Adv.

...For the Respondent No.6

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Matter is heard in presence of the learned advocates representing petitioner, State respondents and respondent no.6.
3. Mr. Kallol Basu, learned advocate representing the petitioner submits that though criminal prosecution has been initiated by registering FIR being Beliaghata P.S. Case No.85 dated 9th May, 2026 under certain provisions of BNS and accused person was taken into custody but further steps are required to be taken by the Investigating Agency for effective investigation otherwise investigation may be entrusted with other independent agency. It is also strenuously argued that issue involved in the above

criminal prosecution requires greater circumspection and alacrity.

4. Learned advocates representing the State respondents and respondent no.6 have jointly opposed this writ petition in view of availability of alternative remedy by approaching jurisdictional Magistrate.
5. Learned advocate representing the State respondents has filed a communication dated 7th July, 2026 of Additional Officer-in-Charge, Beliaghata Police Station and same is taken on record. Copies of the said communication dated 7th July, 2026 are made over to the learned advocates representing petitioner and respondent no.6.
6. It is disclosed in the said communication dated 7th July, 2026 that based on complaint lodged by the petitioner FIR was registered and aforesaid criminal prosecution was initiated and in connection therewith respondent no.6 was taken into custody on 17th June, 2026.
7. At this stage, considering the rival submissions made on behalf of the parties and taking note of the contents of the communication dated 7th July, 2026, Court finds it apt to permit the Investigating Agency to take necessary steps for taking the investigation to its logical conclusion.
8. However, Court relies upon ratio decided by the Hon'ble Supreme Court in **2026 SCC OnLine SC 798 (Sujal Vishwas Attavar and another vs. State of Maharashtra and others)**; in paragraph 7 it was succinctly decided by the Hon'ble Supreme Court that even after registering FIR if proper investigation is

not being carried out in that event, remedy does not ordinarily lie in invoking the writ jurisdiction in the first instance but aggrieved person is required to approach the statutory authority within the four corners of the statute, unless of course the urgency of the circumstances warrant otherwise.

9. Taking note of the observations made by the Hon'ble Supreme Court in *Sujal Vishwas Attavar (supra)* and having found that allegation in this writ petition relates to alleged financial irregularities, if occasion so arises, petitioner is required to approach jurisdictional Magistrate in pursuit of remedy.
10. In view of availability of alternative remedy present writ petition is not entertained and same stands dismissed.
11. However, it is made clear that if jurisdictional Magistrate is approached by the petitioner, the jurisdictional Magistrate shall be free to take steps to decide the issue, in accordance with law.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)