

24.10.2025
Item No.15
Ct. No.26
CHC

M.A.T. 1444 of 2025
IA NO: CAN/1/2025

Shasanka Sekhar Das @ Sasanka Das
Vs.
The State of West Bengal & Ors.

Mr. Kallol Mondal, Senior Advocate
Mr. Billwadal Bhattacharyya, Senior Advocate
Mr. Moyukh Mukherjee, Advocate
Mr. Krishan Ray, Advocate
Mr. Sreyash Kumar Singh, Advocate
Ms. Sagnika Banerjee, Advocate
...for the appellant

Mr. Kishore Datta, Ld. Advocate General
Ms. Sumita Shaw, Advocate
Mr. Soumen Chatterjee, Advocate
...for the State

1. Appeal is taken up for consideration subsequent to our order dated September 18, 2025.
2. Learned Advocate General apprises the Court that, the Medical Board constituted subsequent to the order dated September 15, 2025 submitted a report. He draws the attention of the Court to such report.
3. Learned Senior Advocate appearing for the appellant submits that, in all fairness a copy of the opinion of the Medical Board should be made over to him for requisite assistance to the Court.
4. Prayer made on behalf of the appellant is opposed by learned Advocate General. He submits that, opinion of the Medical Board is a material collected in course of investigation. Investigations are yet to be

completed. Therefore, he objects to sharing of the opinion of the Medical Board.

5. We considered the rival contentions with regard to the opinion of the Medical Board being shared with the appellant. We find that, appellant is a de facto complainant. As of now, the appellant is not being proceeded against, in respect of death of the victim as an accused in the criminal case.
6. The First Information Report of the victim was annexed with the writ petition. We are informed that, copy of the second Post Mortem Report was not made over to the appellant.
7. Since, the appellant seeks a direction for conducting the investigation of the police complaint by an independent agency and since death of an individual is involved and since apparently, there are conflicting reports with regard to the cause of death of the victim, it would be appropriate to direct the State to make over a copy of the second Post Mortem Report as also the opinion of the Medical Board to the learned Advocate-on-record for the appellant.
8. List the appeal on **November 3, 2025**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)