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CRR 4845 of 2025

Sadrul Amin & Ors.

Vs.

The State of West Bengal & Anr.

Mr. Ayan Bhattacharya, Sr. Adv.

Mr. Asif Dewan

Mr. Mehedi Masud

...for the Petitioners

It appears from the record that after completion of investigation, the charge-sheet was submitted on 23rd November, 2024 by which, nine accused persons were discharged including the present petitioners against whom, no evidence could be collected.

However, learned court below by an order dated 13.1.2025 had taken cognizance not against offence but against petitioners illegality in whose respect, the prayer for discharge has been made by the Investigating Officer. In the meantime, the defacto-complainant filed a protest petition and prayed for further investigation and even after conducting further investigation, police submitted supplementary charge-sheet wherein also present petitioners have been discharged.

Being aggrieved by the said order dated 13.1.2025, learned counsel for the petitioners submits that no case has been made out against them during investigation. However, the court below has taken cognizance upon nine accused persons. He further submits that it is fundamental that cognizance can only be taken upon offences and not against the offenders and

as such, the court below has made gross fundamental error in taking cognizance without any reason against the aforesaid nine accused persons including the petitioners who have been discharged by the Investigating Officer after conducting investigation twice.

Having heard learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of the application upon the State through the office of the Public Prosecutor, High Court, Calcutta and upon the opposite party no. 2 by speed post intimating the next date of hearing and to file affidavit of service on the returnable date.

Let the matter appear on 23rd February, 2026 under the heading **“To Be Mentioned”**.

Learned counsel for the petitioners prays for interim relief.

Having heard learned counsel for the petitioners and that the petitioners have made out an arguable case which requires adjudication on merit, let all further proceedings being G.R. case no. 4109 of 2024, presently pending before the learned Additional Chief Judicial Magistrate, Lalbagh be stayed qua the petitioners, **1) Sadrul Amin, 2) Rabiul Sk @ Rabiul Alam, 3) Emaj Sk. @ Emajuddin, 4) Asha Sk. @ Ashadur Rahaman** for a period of twelve weeks or until further order, whichever is earlier.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)