

Item-3. 07-03-2024

sg Ct. 8

WPA(H) 83 of 2023

Babai Sardar

Versus

The State of West Bengal & Ors.

Mr. Indrajit Roy Chowdhury, Adv.

Mrs. PUrnima Halder, Adv.

...for the petitioner

Mr. Amitesh Banerjee, Sr. Adv.

Mr. Debabrata Chatterjee, Adv.

Ms. Amrita Panja Moulick, Adv.

...for the State

1. We have heard Mr. Amitesh Banerjee, learned senior standing counsel, on behalf of the State and the State has filed a status report.
2. It appears that some progress has been made. However, the missing person could not be traced.
3. Mr. Banerjee has produced one photograph of an unidentified dead body and submits that the said photograph almost matches with the identity of the missing person. However, in all fairness, he submits that no conclusion could be arrived at this stage due to pending forensic examination and the report to that effect. The post mortem report of the unidentified dead body is also not presently available.
4. The Status report does not show that Investigating Officer has taken reasonable steps proximate to the complaint lodged. However, subsequent to the order passed on 15th January, 2024, after the new I.O. has joined certain persons have been apprehended and investigation is continuing.
5. On the prayer of Mr. Banerjee, the matter stands

adjourned till 9th May, 2024.

6. A comprehensive report with regard to the progress of the investigation along with FSL report and the post-mortem report shall be filed by the adjourned date.
7. The Investigating Officer shall make all endeavour to conclude the proceeding by that date and if the commission of offence is prima facie revealed during enquiry, a charge-sheet should be filed by that date.
8. We expect an impartial enquiry should be made by the Investigating Officer.
9. The S.P, Baruipur shall supervise the said investigation and ensure that this order is strictly complied with.
10. The Director of CFSL is requested to ensure that the FSL report is made available to the Investigating Officer at the earliest in order to enable the I.O. to conclude the investigation and to file a report.
11. From the report filed by the I.C. Baruipur P.S., it appears that the missing person was unavailable and did not appear before the Trial Court on and from 15th September, 1999.
12. The learned District Judge, South 24 Parganas, is requested to call for a report from the Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas with regard to the progress of the trial in connection with Baruipur P.S Case No. 185/94 dated 6th July, 1994 in which Gopal Sardar was one of the accused persons and he was released on bail on 30th September, 1995.
13. The report to be filed by the ACJM, Baruipur must

indicate the steps taken by the Court since 15th September, 1999 till 24th April, 2024, when the next date is fixed before the ACJM.

14. The report shall be filed on or before 6th May, 2024 through the learned Registrar General, High Court, Calcutta.
15. This order shall be immediately communicated to the learned District and Sessions Judge, Alipur, by the Learned Registrar Administration (L&OM) in course of this week.
16. The matter shall be listed on 9th May, 2024.

(Uday Kumar, J.)

(Soumen Sen, J.)