

W.P.A. 23497 of 2022
with
CAN 1 of 2023
Salim Ahmed & Anr.
Vs.

The State of West Bengal & Ors.

Mr. Ranajit Chatterjee
Mr. Prasenjit De
Mr. Asit Kr. Biswas
Mr. Niladri Sekhar Ghosh
Mr. Aniruddha Mitra
Ms. Sompurna Chatterjee
Mr. Sourav Mondal ... for the petitioners

Mr. Anindya Kr. Mitra, Sr. Adv.
Mr. R. N. Majumder
Mr. S. M. Obaidullah
Mr. Ayan Bhattacharyya ... for the I.I.T.

Mr. S. Ahak ... for the State

Learned counsel appearing on behalf of the petitioner submits as follows. Investigation into the offences is not being done properly. This is despite the fact that it has come to light that professional help was sought to commit the crime. Till now the investigating agency has not even been able to name anyone as an accused.

Learned senior counsel representing the I.I.T. expresses his displeasure at the fact that the matter is not being heard finally vis-à-vis the question of maintainability.

Learned counsel appearing on behalf of the State relies on a report which is taken on record. The Investigating agency could not interrogate the students as they were having examinations and the IIT Authorities indicated that after 25.11.2023 they will be able to interrogate the students.

The report does not find a clear reflection of the investigation done. This is apparent from perusal of the case diary.

Let a proper report be filed by the investigating agency on the next date indicating in details the steps they had taken after taking over investigation as a Special Investigating Team from 13.9.2023.

Let them indicate what steps they have been taken on and from 13.9.2023 to 18.11.2023. It is an imperative to have the report on investigation made available on record so that one can proceed towards the final hearing of the case.

The investigating team shall also produce the case diary on the next date of hearing.

It appears that the investigating agency has acceded to the request of the IIT Authorities to interrogate the students after a particular date. In these circumstances, the IIT authorities should also exercise some patience to allow the investigating agency to delve into the matter a little further so that the final hearing of the case can take place effectively. Ideally, it should not be an adversarial litigation for the IIT authorities. Afterall, one of their students had died.

List this matter for further hearing on **18.12.2023** under the heading '**Specially Fixed Matters**' at **3 PM**.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(JAY SENGUPTA, J.)