

08.04.2022.
Court No.13
Item No. 21
ap

W.P.A. No. 21924 of 2018
With
CAN 1 of 2019 (Old CAN 11110 of 2019
And
CAN 2 of 2021
(Through Video Conference)

Malati Gorai
Versus
The State of West Bengal & Ors.

Mr. Arnab Saha,
Mr. Abhimanya Banerjee.

...For the petitioner.

Mr. Samrat Sen, AAAG,
Mr. Amitava Mitra.

...For the State.

In Re: CAN 1 of 2019 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or her Counsel on 24th September, 2019 before a Co-ordinate Bench of this Court (Debangsu Basak, J.).

The said order is recalled and the writ petition is restored to its file and number.

Accordingly, CAN 1 of 2019 is disposed of.

There will be, however, no order as to costs.

In Re: W.P.A. No. 21924 of 2018

Affidavit-of-service filed in Court today be taken on record.

It is submitted that the principal grievance of the petitioner was police inaction in respect of a complaint made by the petitioner in the year 2014

with the Mayureswar P.S. which was registered as GDE No. 617 of 2014, following disappearance of the petitioner's husband. It is also submitted that FIR was registered in the year 2017 being Mayureswar P.S. Case No. 128 of 2017 dated 2nd June, 2017 under Section 302/201/120B of IPC. It is further submitted that the charge-sheet has since been filed under Section 364 of the Indian Penal Code whereas FIR was registered under Section 302 of the Indian Penal Code, 1860.

The petitioner shall be at liberty to take out appropriate application under Section 173(8) of the Code of Criminal Procedure in respect of the said charge-sheet.

Since the petitioner complains of inordinate delay and improper investigation, the Superintendent of Police, Birbhum, shall examine the case records and take appropriate action, against the Investigating Officer of the case or the Officer-in-charge, Mayureswar Police Station, if any omission or inaction is found on their part.

With the aforesaid observations, the instant writ petition shall stand disposed of.

The petitioner shall communicate a copy of this order to the Superintendent of Police, Birbhum, for necessary compliance of this order.

In view of the disposal of the main writ petition, the connected application being CAN 2 of 2021 shall also stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)