

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.28029 of 2019

ORDER:

The present writ petition is filed to declare the action of the fifth respondent in not completing investigation into Crime No.85 of 2019 on the file of Damargidda Police Station, registered on 16.09.2019, for the offences punishable under Section 324 IPC; not filing final report before the concerned Magistrate and also not altering section of law from Section 324 IPC to Section 304 Part-II IPC, as being illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 17.12.2019, a copy of which is placed on record of this Court, submits that on the basis of the petitioner's complaint, a case was registered in Crime No.85 of 2019 and during the course of investigation, L.Ws.1 to 4 were examined and their statements were recorded. As the husband of the petitioner died on 20.10.2019 while undergoing treatment, the section of law, under which the above crime was registered, has been altered to Section 304 Part-II IPC, on 21.10.2019, and accused No.1 was arrested on 29.10.2019 and the Investigating Officer also obtained the post-mortem examination report. Learned AGP further submits that the investigation in the case is completed, except for arrest of accused No.2 and after arresting accused No.2, final report will be filed before the concerned Court.

4. Having regard to the submissions made on behalf of the respondent authorities and since the provision of law under which the

accused are charged with having been altered, no further adjudication of this writ petition is warranted. As it is stated by the learned AGP that the investigation in the case is completed, it is needless to mention that the respondent authorities will file the final report before the concerned Court as expeditiously as possible.

5. Subject to the above observation, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

Date:18.12.2019

GJ

JUSTICE T.VINOD KUMAR

