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21.09.2020
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Ct12

WPA 6821 of 2020

With
IA No. CAN 1/2020
(CAN 5817/2020)

(Via Video Conference)

Parbati Sardar
Vs.
The State of West Bengal & Ors.

Mr. Debarshi Brahma
... For the petitioner.

Mr. Pantu Deb Roy, AGP,
Mr. Pannalal Bandyopadhyay
... For the State.

The petitioner alleges that despite specific complaint being lodged as to the rape of the petitioner at the hands of one Ananta Sardar, the accused, the police authorities have not taken any steps.

On behalf of the State, Mr. Pantu Deb Roy hands over the written instructions received from the I.C. Chankdah, P.S. and submits that an FIR has been registered, statements have been recorded and the accused has been arrested. The matter is pending before the Court below wherein prayer has been made on behalf of the State for potency test of the accused.

The written instructions though say that there was a love affair between the accused and the victim and they were staying together but the accused subsequently refused to marry the victim

and as such, this complaint was made.

The investigation is going on and as such, I am not inclined to either accept or comment on such statement made in the written instructions. Since the case has proceeded to a considerable stage before the Court below, there is no further requirement of passing any order in terms of the prayer made by the writ petitioner at the present.

The writ petition is therefor disposed of along with the connected application without any further order save recording the submission made by the State on behalf of the police authorities, as aforesaid.

The written instructions handed over to this Court be kept with the record.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted.

It is, however, made clear that the court below shall not be influenced by any finding made in this order or in the written instructions submitted before the Court.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

(Arindam Mukherjee, J.)

