

S/L 10
25.11.2020
Ct. No. 3
GB

W.P.A 7394 of 2020
With
CAN 1 of 2020

Manoranjana Das
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Ms. Pampa Dey (Dhabal).
...for the Petitioner.

Mr. Ashim Kumar Ganguly,
Ms. Karabi Roy
...for the Respondent Nos. 1 to 4.

The writ petition is taken up for hearing through video conferencing in view of the urgency.

The application being CAN 1 of 2020 is disposed of.

This writ petition has been filed challenging police inaction on the part of the Officer in-Charge, Panskura Police Station and the Superintendent of Police, District Purba Medinipur in investigating into the complaint filed by the petitioner with regard to the death of his daughter.

The petitioner alleged cruelty against the husband of his late daughter. The police authorities have filed a report from which it appears that Sub-Inspector Uttam Bangal enquired into the matter. The police authorities contacted the petitioner and talked to the petitioner. According to the police authorities the petitioner informed the police that his daughter died due to kidney disease and that he did not have any allegation against anybody, but he wanted the custody of

the grandchild to be handed over to him. The enquiry report was submitted to the SDPO, Tamluk vide Panskura PS DR No.-6343/20 dated 07.09.2020.

The report further reveals that the petitioner's daughter was staying in the house of her maternal uncle, Nirmal Dolai. She fell seriously ill and was taken to the Basulia Rural Hospital, Mahishadal, Purba Medinipur by her relative, Krishna Prasad Das. The Medical Officer, Dr. Mohanlal Ghorai declared that she was brought dead. It was also learnt by the police officer that the dialysis was going to take place on the following day. An UD Case No.18/20 dated May 4, 2020 was registered, inquest was made, and statement of witnesses was taken from which it transpired that late Rama Pahari was ill for a long time and suffered from acute kidney problem. The postmortem report was also handed over to the Court. In the autopsy report the medical expert opined that the cause of death was Medical Co-morbidity. Report was also collected from the Medical Officer, Panskura Super Speciality Hospital from which it appears that between May 1, 2020 to May 4, 2020 deceased Rama Pahari had not been admitted in the said hospital. The husband of the deceased was also present during the police inquest as also the magisterial inquest. Indrajit Pahari put his signature in both the inquest reports.

The report submitted by the police is an elaborate one and it appears that enquiry was made and the police came to

a conclusion that there was no suspicious circumstances requiring further investigation.

As the first grievance of the petitioner has been looked into by the police authorities, the prayer with regard to handing over the custody of the child cannot be directed by this court. Nothing remains to be decided. The petitioner is always at liberty to approach the appropriate forum seeking custody of the minor child in accordance with law.

Accordingly, WPA 7394 of 2020 is disposed of.

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

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)