

Court No.
13
Item.2
ssi

10.11.
2020

C.R.R. 1572 of 2020

(via video conference)

In the matter of :- X (The victim lady and complainant in Jadavpur Police Station Case No. 204 of 2020 dated 10.8.20).

Mr. Rachit Lakhmoni
Mr. Indrajeet Dey
.....for the petitioner
Mr. Rahul Karmakar
Mr. Smarajit Basu
....for the opposite party
Mr. Saibal Bapuli, Ld. APP
Mr. Arijit Ganguly
...for the State

The order dated 28th August, 2020 passed by the ACJM, Alipore in petition no. 30 of 2020 under Sections 341,323,324,506,354 and 114 of the Indian Penal Code, is impugned herein.

The revisionist is the daughter who has recently become a major. The opposite party-father is stated to have sexually assaulted her regularly.

The department is directed to ensure that the name of the petitioner shall not appear in any of the copies of the orders of this Court and shall remain only in the petition.

The petitioner is aggrieved by bail granted to the opposite party/father by the ACJM in the impugned

order. This Court finds that the impugned order, *per se*, cannot be faulted since custodial interrogation was not required, bail was granted.

The revisional application could not have been maintained otherwise.

The petitioner, however, appears in person and expresses deep insecurity against her father who is stated to have attempted to break open the adjacent flat in which the petitioner residing with her mother and is facing continuous threat. Marital relations between the petitioner's father and mother have broken down. The brother of the petitioner lives with the opposite party-father in an adjacent flat.

There are proceedings for divorce filed by the petitioner's mother as well as the opposite party- husband which are pending in the concerned Courts.

The matter is entertained since a teenage girl has made serious allegations against her father. The truth of such allegation, however, can only be ascertained after proper trial on evidence in the concerned Court below.

However, in the interregnum and till disposal of the cases under the DV Act being DP Cases Nos. 4347 of 2018 and 874 of 2020 proceedings, the Officer-in-Charge, Jadavpur Police Station shall post two police constables between the doors of the petitioner's unit of residence and the father's unit of residence. Admittedly, the two

adjacent Flat/ Residential units are in name of the mother of the petitioner and have been purchased out of the Funds of the father. The opposite party-father shall also immediately install CCTV cameras that would record the happenings outside the two main entrance doors of the two units being occupied by the petitioner and her father respectively. The CPU for the said cameras shall parallelly be available in both the flats.

The expenses for posting police personnel shall be borne entirely by the opposite party/husband. The posting of police personnel shall commence from the date of receipt of a server copy of the order.

The petitioner has also leveled the allegations against the personnel of the Jadavpur Police Station. The Deputy Commissioner of Police, Kolkata, shall also enquire into the allegation made by the petitioner vide email against two particular constables or officers of the Jadavpur Police Station. The petitioner shall serve copy of this order on the Officer-in-Charge, Jadavpur Police Station and the Deputy Commissioner of Police, Kolkata. Since the husband/opposite party is represented before this Court, no separate notice be given to him.

The revisional application shall stand disposed of with the aforesaid order. The pending proceedings in the Court below under the DV Act shall be disposed of by the concerned Court as expeditiously as possible preferably

within a period of three months from the date of communication of this order.

The petitioner and the opposite party/husband shall co-operate and shall not take any adjournments in the Court below.

However, there shall be no order as to costs.

(Rajasekhar Mantha, J.)