

S/L 8
16.09.2020
Ct. No. 5
GB

W.P.A 6272 of 2020
With
CAN 1 of 2020
(Old No. CAN 4687 of 2020)

Deepika Das
Vs.
State of West Bengal & Ors.

(Through Video Conference)

*Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani.*

...for the petitioner.

Mr. Sudip Guha

...for Respondent Nos. 5 to 7

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

None appears on behalf of the state respondents.

Affidavit-of-service filed in Court today is taken on record, which shows that the articles have been dispatched but the petitioner is unable to produce the track report. E-mail has also been sent to the official e-mail address of the State respondents.

Mr. Sudip Guha, learned advocate appeared through video conference.

The petitioner alleges that the petitioner was raped and thereafter forced to marry the respondent no.5. The

petitioner alleges the offence occurred on July 20, 2020 and she lodged a complaint with the Officer-in-Charge, Bhaktinagar Police Station on July 24, 2020. Bhaktinagar Police Station Case No.628 of 2020 dated July 24, 2020 under Section 498A and Section 417 of the Indian Penal Code was started. The petitioner is aggrieved because the police authorities have not started any case on the basis of the allegation of rape and it is further submitted that unless the case is registered under Section 376 of the Indian Penal Code, the victim will not be examined. It is alleged that a lot of time has lapsed and the delay is detrimental to the investigation and cause prejudice to the petitioner who has allegedly been raped.

Records reveal that a complaint was lodged by the victim before the Commissioner of Police, Siliguri Police Commissionerate on July 25, 2020 in which the petitioner has specifically alleged that specific allegation of rape and offences under Schedule Castes and Schedule Tribes Prevention of Atrocities Act has been made before the officer-in-charge, Bhaktinagar Police Station, but the police authorities have only initiated investigation under Section 498A and Section 417 of the Indian Penal Code.

Having gone through the materials and having found the allegation to be serious in nature, this Court is of the opinion that the Commissioner of Police, Siliguri Police Commissionerate should look into the complaint lodged by

the petitioner on July 25, 2020 and consider and dispose of the same in accordance with law.

If necessary, the Commissioner of Police may call for the petitioner to appear before him in support of her contentions. The respondent no.3 will deal with the matter expeditiously in view of the on going investigation, preferably within 2 weeks from date of communication of this order.

This Court has not gone into the merits of the contention of the parties and the respondent no.3 will be free to consider the issue and take necessary steps in accordance with law.

Accordingly, WPA 6272 of 2020 along with CAN 1 of 2020 (Old No. CAN 4687 of 2020) are 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.)