

16
12.02.2021.
mb

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 1375 of 2021

(Via Video Conference)

Smt. Gouri Bera

-vs.-

The State of West Bengal & Ors.

Mr. Sukanta Das
...for the petitioner

Mr. T.M. Siddiqui,
Mr. Shamim Ul Bari
...for the State-respondents

The petitioner's allegation is that the husband of the petitioner was abducted and murdered subsequently. The petitioner lodged complaint with the police, but to no effect. Learned counsel for the petitioner also relies on the post mortem report, annexed at page 18 of the writ petition, which indicates that the deceased might have been murdered.

However, a report is filed by the respondent-authorities, which indicates that a First Information Report was registered on the complaint of the petitioner. Subsequently, investigation is going on and the police are awaiting further forensic report in that regard. Although it is contentious as to whether the post mortem report reflects the nature of death as homicidal, such dispute can only be resolved

conclusively upon conclusion of the investigation, which is still at a nascent stage. It would be premature to pass specific any direction on the police-authorities regarding the mode of conduct of the investigation, which is within the domain of the expertise of the police. For the present, no illegality transpires from the steps taken by the police in respect of the investigation and it would be prudent for the petitioner await conclusion of the investigation to ventilate appropriate grievances, if any, before the appropriate Magistrate taking up the matter.

W.P.A. No. 1375 of 2021 is, thus, disposed of with liberty to the petitioner to approach the appropriate Magistrate, in the event the petitioner has any further grievance upon future conduct of the investigation and after filing of the charge sheet.

Report filed by the respondent authorities be kept on record.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)