

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

(Through Video Conference)

WPA 2164 of 2020

Smt. Manju Das

Vs.

State of West Bengal & Ors.

Mr. Uday Chandra Jha

Ms. Maheswari Sharma

Ms. Tulika Roy

... For the petitioner

Mr. Amitesh Banerjee

Ms. Ipshita Banerjee

... For the State

Affidavit of service filed in Court today is taken on record.

The petitioner says that the petitioner was forced to make a complaint narrating certain particular incidents in a particular manner at the dictum of the Officer-in-Charge, Regent Park Police Station, being the respondent no.4 though the correct facts for which the complaint was sought to be made were otherwise. The complaint was lodged on 15th December, 2019. The petitioner also says that since the petitioner was forced to write something in the complaint letter dated 15th December, 2019, which were not for which petitioner intended to lodge the complaint, the petitioner made a further complaint on 15th December, 2019, narrating the

correct facts which was sent through post under a forwarding letter dated 16th December, 2019 to the respondent no.4. The petitioner further says that the First Information Report (in short “FIR”) which has been registered by the police authorities and the investigation carried in terms thereof is improper, inasmuch as the correct version of the petitioner’s story and the allegations as against the private respondents were not taken into consideration in course of investigation. Since the investigation is a faulty one, the end result thereof being the charge sheet cannot also be in line with the actual complaint made by the petitioner through post. The petitioner, therefor, inter alia, seeks registering offence said to have been committed by the private respondents under appropriate provision of law in terms of the postal complaint dated 15th December, 2019, due investigation in a neutral and fair manner and action against the erring officers.

On behalf of the State respondents, it is submitted that the petition is tainted with suppression of material facts. The charge sheet has already been filed after completion of investigation. The petitioner has not stated about the filing of the charge sheet in the writ petition though the petitioner is specifically aware of such fact.

On behalf of the petitioner, in reply it is submitted that the petition was filed on 4th February, 2020 and, as such, the question of stating about filing of the charge

sheet in the writ petition did not arise inasmuch as, no charge sheet was filed till the date of filing of the writ petition. In fact, filing of charge sheet is not to the knowledge of the petitioner as the petitioner has not been informed about it till such fact was stated by the State in course of hearing.

Without going into the dispute whether the petitioner has suppressed the filing of the charge sheet or that the petitioner is not aware of the charge sheet being filed, the fact remains that the charge sheet has been filed. Once the charge sheet has been filed, it is open to the petitioner to approach the concerned Magistrate to take necessary steps as permissible in law including filing of Naraji Petition so that the Magistrate, if thinks fit, can add or supplement the sections under which the charge sheet has been filed. The Magistrate is also authorised to direct further investigation in the matter if it can be demonstrated before the Magistrate that the police authorities have acted in the manner as submitted by the petitioner and recorded in this order before framing the charges.

The writ petition is disposed of by granting the petitioner liberty to agitate the selfsame cause as made out in the writ petition before the concerned Magistrate.

Nothing further remains to be adjudicated in this writ petition.

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)