

20-12-2021
ct no. 13
Sl.20
sp

WPA 6753 of 2021

Tohidur Rahaman

-Versus-

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Debasish Mitra,
Mr. Pranojit Ray,
Mr. D. Pal,
Mr. A. Ganjan,
Ms. T. Ray

...for the petitioner

Mr. Subhabrata Datta, Id. Jr. Govt. Adv.,
Mr. Debashis Sarkar

...for the State

Mr. Zishan Iqbal Hossain,
Mr. Biswajit Sarkar

...for the respondent nos. 4 and 5

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

A peculiar chain of events has emerged in
the matter.

One Zeba Tanjim, daughter of the 5th
respondent was married to the petitioner. It is
claimed that the said Zeba did not ever live with
the petitioner but was retained at the house of
the 4th and 5th respondent being her parents.
Zeba Tanjim died in January 2020. The
petitioner was serving at the Air Force and upon
his returning, cremation is conducted.

In November that year, the petitioner cause across a written note, which indicated that the death of the said Zeba Tanjim was unnatural. The said written note is annexed with the writ petition. The writ petitioner lodged a complaint with the Beldanga P.S.

It further appears that on a complaint of the 4th and 5th respondent lodged in August 2021, an FIR came to be registered against the petitioner, inter alia under Sections 498A/304B and 3/4 of the Dowry Prohibition Act. A charge sheet being Beldanga P.S. Charge Sheet No.- 515/21 dated November 3, 2021 under Sections 498A/304B/306/34 of the IPC and Section 3/4 of the D.P. Act has been filed against the petitioner, one Md. Mostafijur Rahaman @ Tafi and Nazma Khatun @ Najma Bibi.

The complaint of the petitioner, however, has not been investigated till date. In that view of the matter, the petitioner's complaint dated November 16, 2020 lodged prior to the complaint of the private respondents, shall be investigated and a suitable report shall be submitted before the ACJM, Murshidabad within a period of two months from the date of communication of a copy of this order. In the event, the petitioner is not satisfied with report,

he may take steps, inter alia, under Section 173 of the Cr. P.C.

It is also directed that in the event, the ACJM finds any contradiction between the said investigation report and the charge sheet already filed against the petitioner, appropriate and suitable steps under the Cr. P.C. shall be ordered by the ACJM for further investigation, if necessary, on the said charge sheet.

The petitioner and the 4th and 5th respondent shall co-operate with the aforesaid investigation with the Beldanga Police Station. It is expected that investigation shall be conducted in a fair and transparent manner.

The report of the Beldanga Police Station dated December 15, 2021 is taken on record.

It is submitted by the counsel for petitioner that 4th and 5th respondent are threatening the petitioner. The Officer-in-Charge, Beldanga Police Station shall taken into consideration the same and upon receipt of any formal complaint, take steps in accordance with law.

Counsel for the 4th and 5th respondent shall communicate to his clients that they shall desist from any such intimidation of petitioner.

With the aforesaid observations the instant writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)