

14.07.2021

Ct. No.13
Sl. No.75
akd

W.P.A. 10927 of 2021 [via video conference]

[Jayita Das @ Joyita Das -Vs- The State of West Bengal & Ors.]

Mr. Pinak Kumar Mitra
Mr. Somnath Majumder
... .. for the petitioner

Mr. Santanu Kumar Mitra
Mrs. Amrita Panja Moulick
... .. for the State

The writ petitioner is aggrieved by the slow pace of investigation under FIR No.149 of 2021 dated 22.03.2021 under Sections 341/323/354B/376/417/506 of the Indian Penal Code, by the Gopalnagar Police Station.

It is submitted by the learned counsel for the petitioner that the principal accused namely, Uttam Sarkar, had on the promise of marriage to the petitioner, had physical relations with her. It is submitted that since after the said Uttam Sarkar had abandoned the petitioner, her family members had approached the private respondent-accused and their family members. The said private respondent-accused and their family had once again assaulted the petitioner physically during the said visit.

Learned counsel for the State submits that the Gopalnagar Police Station has taken all steps to conduct the investigation smoothly.

It is submitted that the accused persons are absconding. Steps have been taken to apprehend them. The main accused is a member of the Bengal Armed Police and attached to Md. Bazar Police Station, Birbhum. The residence of the accused was also raided but he is still absconding. It is submitted that

statements of the victim under Section 164 of the Code of Criminal Procedure have already been recorded and a medical examination of the petitioner has since been conducted.

It, therefore, appears that the Gopalnagar Police Station is indeed taking steps. However, it is ordered that immediate steps shall be initiated for securing the presence and apprehending the absconding accused, inter alia, in the nature of arrest, attachment and proclamation.

It is expected that the final report of investigation shall be submitted to the jurisdictional Magistrate within a period of 45 days from the date of communication of a copy of this order.

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

The instructions of Md. Bazar Police Station, Birbhum dated 12th July, 2021, instructions of the Ranaghat Police District dated 5th July, 2021 and the instructions of the Gopalnagar Police Station dated 7th July, 2021 are kept with the record.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)