

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

Ct. 8
Item No.12
03.08.2021
(suvendu)

WPA 11992 of 2021

**Anju Manna Maiti
Vs.
The State of West Bengal & Ors.**

(Via Video Conference)

Mr. Jayanta Narayan Chatterjee
Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Jayashree Patra

.....for the petitioner

Mr. Anirban Ray, Ld. G.P.
Ms. Sipra Mazumder
Ms. Prativa Ghatak

.....for the State

Petitioner complains of police inaction.

Learned advocate appearing for the petitioner submits that the police are inactive on the First Information Report dated March 27, 2021. The police did not record any statement under Section 164 of the Code of Criminal Procedure when one of the allegations is under Section 354(B) of the Indian Penal Code.

Learned Government Pleader, on the basis of written instructions, submits that the charge-sheet was submitted on April 30, 2021. The accused person surrendered and obtained bail from the jurisdictional court.

The petitioner contends that the charge-sheet ought not to have been filed without statements under Section

164 of the Code of Criminal Procedure being recorded. Learned advocate appearing for the petitioner submits that under Section 154 of the Code of Criminal Procedure, when one of the allegations is under Section 354(B) of the Indian Penal Code, a statement under Section 164 of the Code of Criminal Procedure was required to be recorded.

As noted above, since the police concluded the investigation and submitted charge-sheet and the petitioner is not remediless with regard to such contention before the jurisdictional Court, interference by writ court is not called for at this stage.

Since the police already submitted a charge-sheet, it would be appropriate to permit the petitioner to take steps with regard thereto. Further, interference is not called for by the writ court at this stage.

WPA 11992 of 2021 is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Debangsu Basak, J.)