

05.10.2021
Ct. No.13
Sl. No.19
akd

W.P.A. 14162 of 2021 [via video conference]

[Ujjal Das -Vs- The State of West Bengal & Ors.]

Mr. Sardar Amjad Ali
Ms. Sucharita Ray
... .. for the petitioner

Ms. Suchitra Saha
Ms. Sharmila Basu
..... for respondent nos.4 & 5

Mr. Jishnu Chowdhury
Mr. Robiul Islam
... .. for the State

The writ petitioner is aggrieved by the inaction on the part of the Garfa Police Station into FIR No. 134 dated 14.07.2021 under Sections 306/34 of the Indian Penal Code.

Learned senior counsel appearing for the petitioner submits that the complaint was received on 15th July, 2021. The FIR could not have been predated and the same reflects an attempt on the part of the concerned police station to distort records.

The Garfa Police Station has submitted instructions to the learned advocate dated 14th September, 2021. It appears that upon receipt of information of the death and suicide of the petitioner's father, UD Case No. 32 dated 14th July, 2021 was registered.

In that view of the matter, this Court does not see too much of discrepancy in the registration of the FIR in the complaint. It is quite possible that the formal complaint was received day after the UD case is registered.

Learned senior counsel for the petitioner submits that the two respondents, who are also police officers, may have colluded with the other private respondents in ensuring that there is no investigation into the FIR. It would be premature at this stage to come to any final conclusion in this regard.

It is, therefore, ordered that the investigation into the FIR should be mandatorily and positively be completed within a period of 45 days from date. A copy of the final report shall be made available to the writ petitioner and also the Commissioner of Police, Kolkata.

The Commissioner of Police, Kolkata shall through his office verify the investigation and ascertain as to whether the allegations made by the writ petitioner against two other police officials can be sustained.

The aforesaid shall not prevent the writ petitioner from taking steps under Section 173 of the Code of Criminal Procedure, if so advised and directed.

With the aforesaid observations, the writ petition shall stand disposed of.

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.)