

MAT 1561 of 2019
With
CAN 1 of 2019 (Old CAN 10444 of 2019)
With
CAN 2 of 2019 (Old CAN 10445 of 2019)

Matlab Mondal @ Nadu Mondal
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Anjan Bhattacharya
... ... for the appellant
Mr. Subhabrata Datta
Mr. Debasish Sarkar
... ... for the State

This appeal is directed against the interim order of the learned Single Judge dated 03.09.2019 passed in WP No. 15326(W) of 2019 whereby the learned Single Judge had permitted exchange of affidavits by the parties and had further granted liberty to mention when the petition becomes ready for hearing.

It is a case of unfortunate unnatural death of seven-year-old boy. The father of the deceased minor has filed the writ petition with the prayer that to hand over investigation of the case no. 637 of 2018 to superior police office of the concerned police station or any other independent agency preferably Crime Investigation Department.

Having regard to the nature of the grievance raised by the appellant, this Court by order dated 17.02.2020 had constituted a Special Investigation Team and thereafter directed the SIT to file the report.

Earlier on 9th July, 2021 the status report was filed.

Today, learned counsel for the respondents has filed the fresh status report dated 19.01.2021 stating that the investigation of the case is almost complete and final report will be submitted very soon.

Learned counsel appearing for the respondents has also submitted that the final report can be filed within four weeks.

In view of the above development, we are of the opinion that the SIT should complete the investigation within a period they have stated before this Court and file the final report before the competent Court.

If the final report is found not acceptable to the appellant, then the appellant will have the remedy to question it in accordance with law.

Hence, we dispose of the present appeal with a direction to the SIT to complete the investigation and file the final report before the competent Court as earlier as possible, preferably within a period of four weeks from today.

The appeal and the connected applications are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)