

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

16.03.2021
D/L- 08
Ct. 23
(suvendu)

**WPA 9494 of 2020
(Via Video Conference)**

**Krishna Das
Vs.
The State of West Bengal & Ors.**

Mr. Sandip Kumar Mondal
.....for the petitioner

Mr. Amitesh Banerjee, Sr. Advocate,
Ms. Ipsita Banerjee
.....for the State

The petitioner complains of rape as against the respondent no.6 who is said to be the father-in-law of the petitioner. The incident, according to the petitioner, occurred on 2nd August, 2020 but no First Information Report (in short “FIR”) was registered by the local police station. Ultimately, in terms of the direction given by the learned Magistrate concerned, under the provisions of Section 156(3) of the Code of Criminal Procedure, 1973 (in short “Cr.P.C.”) the FIR was registered on 11th September, 2020.

The petitioner says that despite the FIR having been registered, the investigating officer of this case has not taken any substantial step in conducting the investigation. The petitioner also alleges that

statement under Section 164 of the Cr.P.C. which is mandatorily required to be taken, has not been recorded. The petitioner, therefore, approaches this Court by filing the instant writ petition alleging inaction on the part of the police authorities.

On behalf of the State respondents it is denied that there is any police inaction in the instant case. The police authorities are investigating the matter and shall on completion thereof file the charge-sheet. So far as the petitioner's allegation as to no statement under Section 164 Cr.P.C. has been recorded, the State respondent also denies the same.

The allegation complained of is very serious in nature. The trial, if any, that may be required in the instant case involves several complicated issues including collection of evidences, medical report, etc. Any delay in investigation is likely to cause deterioration of the material evidence.

Considering this aspect, the investigating officer engaged in this case and the respondent no. 5 are directed to take all steps to expeditiously conclude the investigation and further proceed with the matter in accordance with law. Although I am not inclined to fix any outer limit for completing the investigation, it is expected that the same should be completed within a period of three months from date

particularly keeping in mind that six months has already elapsed from the date of registration of the FIR.

Since no affidavit-in-opposition is called for, allegations contained in the writ petition are deemed to be denied.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of without any order as to costs.

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

(Arindam Mukherjee, J.)