

27.01.2021
Item No.9
AP/ss

WPA 148 of 2021

Smt. Swapna Sarkar
-Vs.-
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Anirban Banerjee

.. ... for the petitioner.

Mr. Subir Kumar Saha,
Mr. Bikramaditya Ghosh

.. ... for the State respondents.

This writ petition at the instance of a mother of deceased Rupam Sarkar who died on 18th July, 2020 when he was in his in-laws house. It is also the allegation by the writ petitioner being the mother of a deceased son that on 20th July, 2020 attempt was made to lodge a complaint with Falakata Police Station but the same was not entertained and ultimately complaint was lodged on 24th July, 2020 that led to initiation of Falakata Police Station Case No.234 of 2020 dated 24th July, 2020 under Sections 302/201/34 of the Indian penal Code.

It has also been alleged in the writ petition that concerned police authorities were not taking steps at the right direction for logical conclusion of the process of investigation which would ultimately facilitate the trial of the offence as alleged to have been committed by the accused persons.

In reply, Mr. Bikramaditya Ghosh, learned advocate representing the State has submitted a detailed report with regard to the steps taken after initiation of proceedings based on the FIR dated 24th July, 2020 and statements have been recorded under Section 161 as well as Section 164 of the Cr.P.C. from the persons whom the investigating agency thought fit to make such statements. In addition thereto, the post mortem report is appended to the report filed before this Court today on behalf of the police authorities which reveals that death of Rupam Sarkar was due to ante mortem hanging which is suicidal in nature.

Though, this court is not happy with the conduct of the police authorities for not accepting the FIR which was attempted to have been lodged on 20th July, 2020. The appropriate course of action which was left open to the concerned police authorities was to be diligent in the matter of handling this type of complaint alleging death of a citizen where complaint has been lodged by the hapless mother of the deceased son. However, good sense prevails and there was an acceptance of complaint by way of an FIR on 24th July, 2020. There was an initiation of criminal proceedings as aforesaid and a communication dated 27th January, 2021 addressed to the learned Public Prosecutor by the Inspector in Charge of Falakata Police Station also

shows that some steps have been taken in the matter of investigation of the alleged offence.

This Court is aware of the fact that in the writ petition the nicety of the criminal investigation cannot be meticulous gone into and the same might be the subject matter in a proceeding which can be initiated before the appropriate criminal Court.

With the above observation the writ petition is disposed of.

Communication dated 27th January, 2021 addressed to the learned Public Prosecutor enclosing other documents including the post mortem report be kept with the record.

Urgent Photostat certified copy of this order, if applied for, be given to the parties after compliance of all necessary formalities.

(Saugata Bhattacharyya, J.)