

06.06.2022
Court No. 19
Item no.80
CP

WPA No. 1496 of 2022

Sk. Hafijul Islam
Vs.
The State of West Bengal & ors.

Mr. Sayan Chattopadhyay
Ms. Payel Shome

....for the petitioner.

Sk. Md. Galib

....for the State.

Affidavit of service is taken on record.

The writ petition has been filed alleging inaction on the part of the Officer-in-charge, Burdwan Police Station. According to the petitioner, the investigation into the mysterious circumstances which led to the death of the petitioner's son, namely, late Sk. Mobarak Hossain, had not been conducted as per law. The police authorities have proceeded in a casual manner, although the petitioner suspects murder.

Mr. Galib, learned advocate appearing on behalf of the State respondents, files a detailed report prepared by the Inspector-in-Charge, Burdwan Police Station dated February 7, 2022, which is taken on record.

From the said report, it appears that the Inspector-in-Charge, Burdwan Police Station visited the place of occurrence, prepared a rough sketch map, took photographs and also seized several articles. Statements of persons including the female friend of the deceased was recorded under Section 161 Cr.P.C. and the mobile phone of the female friend of the deceased was also seized.

A surathal report was prepared by a Sub-Inspector of the body. The body was sent for postmortem. The postmortem examination was done by a board of doctors from different disciplines and the entire postmortem examination was done under videography. A forensic team headed by Dr. Chitrakshya Sarkar, Assistant Director, State Forensic Science Laboratory had visited the place of occurrence, to give their opinion. It revealed that there was a possibility of an accidental death due to the fall. The board of autopsy surgeons opined that the immediate cause of death was due to injuries, which were ante-mortem in nature. The viscera and other exhibits were sent to the State Forensic Science Laboratory, Kolkata for examination and expert opinion. The said expert opinion is due from the State Forensic Science Laboratory, Kolkata, as per the report.

Further queries were also made by the Investigation Officer from the autopsy surgeon, who performed the postmortem examination. It further reveals that a team from the CID, Bhawani Bhawan was also guiding the Investigating Officer in the investigation.

Under such circumstances, the court does not find that the police authorities have failed and neglected to take steps. The writ petition is thus disposed of with a direction upon the Investigating Officer to proceed with the investigation expeditiously and conclude the same by filing appropriate report in accordance with law before the appropriate forum, if not already done in the meantime.

The court has not gone into the merits of the claims of the petitioner as it is the duty of the Investigating Agency to decide on the allegations of the offence on the basis of materials before it and file its report.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)