

13.07.2022
Sl.No.385(ML)
srm

W.P.A. No. 4596 of 2022

X (Victim)

Versus

The State of West Bengal & Ors.

Ms. Afreen Begum,
Sk. Jayed Hossain,
Mr. Amit Ranjan Pati

... for the Petitioner.

Mr. Anirban Ray,
Mr. Raja Saha,
Mr. Debasish Ghosh

...for the State-respondents.

Affidavit-of-service is taken on record.

The name of the petitioner be deleted from the cause title and written as "X (Victim)". The correction be inserted, here and now.

The petitioner is a victim of physical violence and sexual assault. The petitioner alleges that the Officer-in-Charge, Maheshtala Police Station has failed and neglected to conduct the investigation in a proper manner. That the investigation has been slow and the statement of the petitioner has not been recorded under Section 164 of the Code of Criminal Procedure.

Mr. Saha, learned Advocate appearing on behalf of the investigating agency, has filed a report. It appears that

pursuant to the complaint of the petitioner, Maheshtala PS Case No.404 of 2021 was registered initially under Section 394 of the Indian Penal Code. During investigation and after recording the statements of the petitioner under Section 164 of the Cr.P.C., before the learned Judicial Magistrate, 1st Court at Alipore, certain applicable sections were added. The investigation was completed and a charge sheet, *vide* Maheshtala PS Charge Sheet No.42 of 2022 dated February 15, 2022 under Sections 341/325/307/376D of the Indian Penal Code, has been filed. One of the accused persons has been arrested. Medico-legal examination of the victim and the accused person was conducted and specimens were seized. The seized articles were sent to the FSL for expert opinion. The police authorities have kept a provision for submission of supplementary charge sheet on receipt of the FSL report and upon arrest of the other suspected persons.

As of now, the police authorities shall keep a sharp vigil to ensure that the petitioner is safe. All co-operations with regard to the safety and security of the petitioner shall be provided by the concerned police station. The petitioner's right for compensation, etc. are kept open for determination by the appropriate authority.

The police authorities shall ensure that the forensic report is prepared expeditiously and search for the other accused persons should continue. All steps under the provisions of the Code of Criminal Procedure, must be taken before the learned Court below for tracking down the other suspected accused persons.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)