

S/L 13
7.6. 2022
Court. No. 19
sn

WPA 5587 of 2021

Smt. Arati Das
Vs.
The State of West Bengal & Ors.

Mr. Subir Ganguly
Mr. Gunjan Shah
Mr. Vinit Kr. Choubey

... for the Petitioner

Ms. Chama Mukherjee
Ms. Monika Pandit

... for the State.

This writ petition has been filed on the allegation that First Information Report did not correctly narrate the incident with regard to the death of the son of the petitioner, namely, Ratan Das (since deceased). According to the petitioner, the death was not the accidental but homicide.

The F.I.R. ought to have incorporated under Sections 302, 34 and 120B of the Indian Penal Code instead of Sections 279 and 304A.

The police authorities have filed a report, from which it appears that initially U.D. Case 63 of 2020 dated September 7, 2021 initiated. On receipt of the petitioner's representation further enquiry was made and Baguihati Police Station Case No. 295 of 2020 was registered. Upon investigation, a charge-sheet has also been submitted against the driver, who was apprehended under Sections 279/304A of the Indian

Penal Code. The details of the investigation has been mentioned in the report filed by the Inspector-In-Charge, Baguihati Police Station.

The post mortem report states:-

‘ that the death due to the effect of intra cranial haemorrhage, resulting from ante-mortem injuries.’

The matter is before the learned Chief Judicial Magistrate, Barasat.

The Court does not find any reason to hold, that the police authorities have failed and neglected to take steps on the basis of the representation of the petitioner. The petitioner, if aggrieved by the charge sheet, may approach the learned trial court in accordance with law.

The police report is taken on record.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)