

13.07.2022
Court No. 19
Item no.387
CP

W.P.A. No. 4713 of 2022

Abdul Khalek Katha
Vs.
The State of West Bengal & ors.

Mr. Ranjan Saha
...for the petitioner.

Mr. Samrat Sen
Mr. Debasish Ghosh
Mr. Nilotpall Chatterjee
...for the State.

Affidavit of service is taken on record.

The petitioner alleges that the police authorities have not conducted the investigation of Baruipur PS Case No. 387/2022 dated March 12, 2022, in an independent and proper manner. The petitioner prays for an impartial investigation by the CID, West Bengal. According to the petitioner, the respondent nos. 9 and 10 must be arrested as they were involved in commission of an offence punishable under Section 302 of the Indian Penal Code.

The police report is taken on record from which it appears that the daughter of the petitioner was an employee of Life Zone Nursing Home at Baruipur. The petitioner received an information about his daughter's illness. The petitioner along with his relatives reached the said nursing home. He was

informed that his daughter was taken to Baruipur Sub-Divisional Hospital. Upon reaching the hospital, the petitioner discovered that his daughter had expired. The petitioner filed a complaint alleging that the respondents nos. 9 and 10 murdered his daughter.

In the course of investigation, the police authorities visited the place of occurrence, examined several witnesses including the employees of the nursing home. Their statements were recorded under Section 161 of the Cr.P.C. Statements of other three witnesses were recorded under Section 164 of the Cr.P.C. From the statements of the witnesses, it was revealed that the deceased was married to one Abdur Rahaman Sardar of Boro Geonkhali on January 29, 2022. The marriage ended in a divorce on March 7, 2022. Thereafter, the victim had a relationship with another married man, who refused to marry the victim and the victim had gone into a depression. The call details and the conversation between the victim and her lover were looked into. The victim was found to be hanging from a ceiling fan in her rest room at the 3rd floor of the nursing home and the door was locked from inside. The post-mortem report indicated that the death was due to the effect of hanging, anti-mortem in nature. In course of investigation, the investigating authority arrested one Eshan @ Sk.

Sahiuddin who according to the evidence gathered during investigation, had abetted the suicide.

After completion of the investigation charge-sheet was submitted vide Baruipur PS CS No. 923/2022 dated June 9, 2022 under Section 306 of the Indian Penal Code. The I.O. filed a prayer before the learned court below to discharge the respondent nos. 9 and 10.

Having perused the police report, this court does not find that the investigating agency has failed and neglected to take steps on the basis of the compliant of the petitioner. However, if the petitioner is aggrieved with the investigation which has culminated into filing of the charge sheet, the petitioner is at liberty to approach the learned jurisdictional magistrate.

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.)