

17.06.2022.
Item No. 5.
Court No.13
ap

W.P.C.R.C. No. 53 of 2022
Arising out of
W.P.A. No. 237 of 2022

Suraj Pratap
Versus
Anirban Biswas

Mr. Soumyajit Das Mahapatra,
Mr. Shamik Chatterjee,
Mr. Aditya Bikram Mahata.

...For the petitioner.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Tarak Karan.

...For the alleged contemnor.

Appropriate vigil shall be maintained in future by the Officer-in-charge, Narendra Police Station and the Superintendent of Police, Baruipur District Police to monitor their subordinates.

The aforesaid observation is made in the context of submission of the learned Counsel for the petitioner that one Saroj Mistry @ Dustu is the principal accused, who was responsible for slitting the throat of the victim.

It is also submitted that the SI Abdul Mujid Biswas has been made a scapegoat and investigation in respect of an offence under Section 307 of the Indian Penal Code has been entrusted to an Assistant Sub-Inspector contrary to Rules.

This Court has recorded the above only to bring to the notice of the Superintendent of Police, Baruipur

District Police the state of affairs. The remedies of the petitioner in respect of the charge-sheet and those available to him in law under the Code of Criminal Procedure in general and 482 thereof in particular, are left open.

It is also made clear that there is no conclusive pronouncement of this Court on the allegation of the petitioner in respect of investigation and the charge-sheet. The issue shall remain open for being agitated in an appropriate or separate proceedings with a further reminder to the Superintendent of Police, Baruipur District Police to closely monitor any further investigation that may be conducted and to address any lacuna in the investigation already conducted.

With the aforesaid observations, the contempt application shall stand disposed of.

The personal appearance of the alleged contemnor shall stand dispensed with.

Rule, if any, shall also stand discharged.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)