

S/L 49
14.6. 2022
Court. No. 19
Sn

WPA 6848 of 2022

Sahana Bibi
Vs.
The State of West Bengal & Ors.

Mr. Farooque Ali
Mr. Shahrukh Raja
Mr. A. Ali ... for the Petitioner

Mr. Amitesh Baneree
Mr. Suddhedeu Adak ... for the State

Mr. Kamalesh Bhattacharyya
Mr. Aninda Bhattacharyya ..for the respdts.6-11

Let the supplementary affidavit be taken on record.

The allegation of the petitioner is against inaction on the part of the Inspector-in-Charge, Contai Women Police Station. It is submitted that although an FIR was registered pursuant to the direction of the learned Additional Chief Judicial Magistrate, Contai, being Contai Women Police Station case no. 33 of 2022 dated March 15, 2022 under Sections 302/323/34/354/365 and 506 of the India Penal Code, the investigation has not been conducted in a free and fair manner and the police authorities have been influenced by one of the accused persons, (the respondent no.9) who is a constable in the same police station. The allegation is that the in-laws of the petitioner killed a new born baby, who was born to the daughter of the petitioner. Strangely, the daughter of

the petitioner has not been impleaded as a party to the proceeding and the petitioner is espousing her cause.

The petitioner prays for a direction upon the authorities of the Officer-in-Charge, Contai Women Police Station to complete the investigation and take appropriate steps against the accused persons who are the respondents in this proceeding.

The respondent no.6 is the son-in-law and the father of the deceased infant. The respondent nos. 7 to 13 are in-laws of the petitioner.

Documents have been handed up by the State respondents to establish that the new born baby boy died a natural death, at N.R.S. Medical College and Hospital. The bed-head tickets have been produced before this Court in support of such. It appears that the child was born with very critical ailments and could not be saved by the doctor. The entire documents of the treatment at the N.R.S. Medical College and Hospital have also been produced before this Court by the respondent no.6.

It is further submitted that the daughter of the petitioner who is the wife of the respondent no.6 is happily married and lives with the respondent no.6. There is no discord between the parties and the respondent nos. 7 to 13 who are the paternal relatives of the daughter of the petitioner have supported them.

The allegation of child marriage of the daughter of the petitioner has also been denied.

Statements recorded under Sections 161 and 164 of the Code of Criminal Procedure have been produced before this Court. Thus the Court does not find the allegation of inaction and collusion that have been levelled against the police authorities to be correct. In any event, the police authorities have initiated an investigation. Thus, this Court is of the view that the investigation must be concluded within a period of one month from the date of communication of this order, independently. This order shall not prejudice the investigation.

Accordingly, this 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.)