

14.7.2022
Court No. 19
Item no.420
sn

WPA No. 7257 of 2022

Lalbanu Mondal
Vs.
The State of West Bengal & ors.

Mr. Debasish Kundu
Mr. Soumya Subhra Royfor the petitioner

Mr. Amitesh Banerjee
Mr. Tarak Karan ..for the State

Perused the police report. Despite service, none appears on behalf of respondent Nos. 5 to 10.

The allegation of the petitioner is with regard to police inaction and apathy of the police authorities. The daughter of the petitioner allegedly died after she was raped and thereafter poisoned to death. The date of occurrence was March 6, 2022. The police authorities received a complaint through registered post on March 21, 2022. Gangnapur Police Station Case No. 119 of 2022 dated April 21, 2022 under Sections 376D/302/34 of the Indian Penal Code was registered and investigation commenced.

The FIR named accused persons were arrested and they are in custody.

Today is the 86th day of the investigation and it is assured by the investigating officer, who is present

before this Court, that the Charge-Sheet will be filed immediately, so that 90 days do not expire.

Initially, when the victim died under the jurisdiction of Kalyani Police Station, UD Case No. 133 of 2022 dated March 15, 2022, was registered. It is submitted by the investigation agency that the petitioner gave a written declaration that she did not suspect foul play.

In the first post-mortem report, the finding is that the death was due to consumption of some unknown poison. Viscera was preserved and was sent to State Forensic Science Laboratory, Kolkata. Body of the victim was exhumed under the order of the learned Court in the presence of the learned Executive Magistrate on April 30, 2022. Second autopsy was conducted.

The second autopsy was conducted after the Viscera analysis report was obtained. Tests of the accused persons were conducted. CDRs of the use of the mobile phones were collected. Statements of the ambulance driver and other witnesses, husband of the deceased under Section 161 of the Code of Criminal Procedure, were also recorded

During the second autopsy, vaginal swab was collected and was sent to the State Forensic Science Laboratory, Kolkata, for examination. Potency tests

of the accused were done. Samples were taken. The shops from which medicines were purchased and the private clinic where the victim was treated, were inspected by the police authorities and necessary interrogation was done. As many as 70 witnesses have been cited by the police authorities. Statements of 10 persons were recorded under Section 164 of the Code of Criminal Procedure. Around 32 articles were seized, under proper seizure list.

The reasons for delay in lodging FIR has been explained. There are allegations that the petitioner had allegedly caused the delay. However, such issue is not germane at the moment.

The police authorities have already prepared the charge sheet which is going to be filed soon.

Under such circumstances, the police authorities are directed to file the charge-sheet immediately. The petitioner is always at liberty to move the appropriate Court for further reliefs.

It appears that the entire investigation was done under the supervision of the Superintendent of Police, Ranaghat Police District and the investigation was conducted by the Deputy Superintendent of Police. DIB, Ranaghat Police District.

This writ petition is disposed of.

There will be, however, 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.)