

11.11.2022
Item No.02.
Suman
Ct.42

CRR 1585 of 2022
With
CRAN 1 of 2022

Anil Kumar Mahensaria @ Laddu
Vs.
The State of West Bengal

Mr. Sourav Chatterjee
Ms. A. Khatoon
Ms. Ankita Bose
...for the petitioner

Mr. Swapan Banerjee
Mr. Suman De
....for the State

Vide judgment dated 9th September, 2022
CRR 1585 of 2022 was disposed of directing the Officer-in-charge of the jurisdictional police station to hand over the mortal remains of the deceased to the petitioner who happens to be the father of the deceased after keeping sample of the same for future reference within certain date.

In the disposed of record the petitioner by filing an application submits that the mortal remains of the deceased son of the petitioner contained only few bones kept in a packet. The petitioner wanted to have the mortal remains of his deceased son to perform last rituals. When he went to the burning ghat for

cremation, the concerned authority informed him that since the mortal remains contain only a few bones, a disposal order of the police authority is required.

It is submitted that the petitioner visited the concerned police officer praying for issuance of a disposal order but the police officer refused to issue such disposal order as it is not specifically directed in the judgment dated 9th September, 2022.

Under such circumstances, the petitioner has approached this Court by filing the instant application for the purpose of an appropriate direction so that the petitioner can perform funeral and consequent last rituals of his deceased son.

The learned P.P.-in-charge has raised no objection against the prayer made by the petitioner.

Having heard the learned advocates and taking into consideration the judgment dated 9th September, 2022 and the prayer made in the criminal revision it is clearly ascertained that the mortal remains of the deceased was directed to be handed over to the petitioner for the purpose of conducting last rites of the deceased. Last rites of a deceased commences by funeral and subsequent performance of religious rituals according to the personal law of different classes and castes of people.

It is not disputed that the petitioner's religion is Hinduism. Therefore, the mortal remains of the son of the petitioner would be cremated by way of burning and for this reason disposal order is absolutely necessary as the petitioner does not have the entire corpse of his son. Therefore, the Officer-in-charge of the jurisdictional police station is directed to issue disposal order in favour of the petitioner in respect of the mortal remains of his deceased son.

The instant application is, thus, disposed of.

(Bibek Chaudhuri, J.)