

24-11-2022
ct no. 13
Sl.1
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WPA 6398 of 2008

Madan Murari Verma
-Versus-
The State of West Bengal & Ors.

Mr. Madan Murari Verma
.... Petitioner-in-person.

Mr. Amitesh Banerjee,
Ms. Chaitali Bhattacharya,
Ms. Sukla Das Chandra
... for the State.

The order dated 26.09.2022 shall stand corrected to indicate that the name of the writ petitioner-in-person as Madan Murari Verma in stead and in place of Dadan Murari Verma.

The Court has received a communication from the Joint Director of Medical Education, Government of West Bengal addressed to State advocate annexing thereto an interim report of the enquiry committee, which is reconsidering the circumstances of the death of late Sharada Verma.

There are a large number of lapses in the investigation conducted by the Phoolbagan Police Station. Some of the lapses could amount to crimes. For example, the writ petitioner's statement is stated to have been recorded in bengali and read out to him. The petitioner, a senior practitioner of

this Court, is familiar with bengali but would have normally given a statement in English.

Mr. Amitesh Banerjee, in all fairness, has submitted that some evidence collected is misplaced and some evidence is totally missing. The accused persons have been examined under Section 161 of the Cr. P. C. even before registration of the FIR. Mr. Banerjee denies the same.

This Court is of the view that the investigation must be removed from the Phoolbagan Police completely. Let the investigation into the circumstances leading to the death of Sharada Verma and FIR No. 161 of 2007 dated 15.12.2007 under Sections 302/304/304A/34/120B of the IPC be transferred to the C.I.D., West Bengal forthwith. A senior experienced officer having dealt with medical legal cases must be assigned by the A. D. G., C.I.D., West Bengal as I.O. in this matter.

The I.O., Phoolbagan Police Station shall hand over all and every papers and evidence collected by them to the C.I.D., West Bengal. The special medical board already constituted in this matter shall submit all documents and reports to the new I. O. under the C.I.D., West Bengal, who shall be entitled to examine the earlier I.Os, in the matter from the inception of the FIR to ascertain facts.

Let the investigation be completed within a period of four months from date.

Insofar as the evident lapse in the investigation already conducted, the office of the Commissioner of Police, Kolkata shall conduct an enquiry into the conduct of the I.O. in the matter. If the enquiry reveals misconduct, suitable, appropriate and immediate steps shall be taken against all those still present in service. In respect of those, who have retired, criminal proceedings may be initiated.

The writ petition is disposed of.

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.)