

S/L 12
20.6.2022
Court. No. 19
sn

WPA 9585 of 2022

Amit Kumar Gupta & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Samson Canera
Mr. Sunny Nandy
Mr. S. Pathak
Mr. Tamal Sinha Roy ... for the petitioners

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

The petitioner no.1 has alleged custodial torture by the investigating officer. The investigating officer is the respondent no. 6 in this proceeding. He does not appear before this Court despite service.

Reliance has been placed on a medical report prepared by the Medical Officer, S.S.K.M. Hospital. Medical examination of the petitioner no.1 was done on January 29, 2022 at 5-48 p.m. From such examination, it appears that the petitioner no.1 was assaulted. It appears that the petitioner no.1 was hit in both his hands and there were bruises on his palms.

Mr. Banerjee, learned senior standing counsel submits a report containing two medical reports prepared by the Medical Officer, S.S.K.M. Hospital dated January 28, 2022 at 4-30 p.m. as also on January 29, 2022 at 10-30 a.m. From these medical reports, it appears that there was no complaint with

regard to any torture or physical injury upon the petitioner no.1.

The police records shows that the petitioner no.1 was in the Court lock up from 12-30 p.m. to 4-43 p.m on January 29, 2022. Thus, it is contended that the subsequent medical report was incorrect and procured. The question of custodial torture did not arise when the petitioner no.1 was in the Court lock-up, upto his release on January 29, 2022.

A bail bond which was furnished before the learned Magistrate on January 29, 2022 has been produced before this Court. A copy of order for granting bail has also been produced before this Court.

It does not appear that any complaint was made before the learned Magistrate by the petitioner no. 1 alleging such torture. He was produced before the learned Magistrate. Such torture was not detected at that time.

Thus, instead of passing the order as prayed for, this court deems fit that the Deputy Commissioner of Police (South) should make a discreet enquiry in the matter, in order to ascertain whether the allegation of custodial torture was correct or not.

On the basis of the finding, the appropriate authority shall be at liberty to take appropriate remedial steps.

The said enquiry shall be completed within a period of two months from the date of communication of this order.

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.)