

S/L 19
13.06.2022
Court. No. 19
GB

WPA 9749 of 2022

Kuntal Ghosh
VS
The State of West Bengal & Ors.

Mr. Dipankar Pal.

...for the Petitioner.

*Mr. Subhabrata Datta,
Mr. Banibrata Datta.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner complains of overt act by the respondent no.4, the Assistant Sub-Inspector, attached to Bolpur Police Station. It is the specific grievance of the petitioner that the respondent no.5 is attached to the Bolpur Police Station as a Home Guard. At the instigation of the respondent no.5, the respondent no.4 had arrested the petitioner on a date prior to the date as reflected in the FIR and had physically tortured the petitioner in the lockup. It is submitted that such fact was suppressed and the arrest was shown on a subsequent date and medical examination was also done on a later date. Aggrieved, the petitioner approached the Superintendent of Police as also the Officer-in-Charge, Bolpur Police Station, for an enquiry.

The allegation is that a gold chain of the petitioner was snatched away from the petitioner in the lockup by the petitioner's wife with the support of the respondent no.4.

Records reveal that an FIR was registered against the petitioner, pursuant to a complaint lodged by the respondent

no.5. The allegation of physical torture was made by the respondent no.5. Accordingly, Bolpur P.S. Case No.104 of 2022 dated March 22, 2022 was initiated against the petitioner.

Mr. Datta, learned advocate appearing on behalf of the State respondents submits that the petitioner did not raise such contention before the learned Magistrate, when he was produced before the learned Magistrate after the arrest. However, according to Mr. Datta, the Superintendent of Police has already entertained the representation of the petitioner and DSP, Head Quarter has been directed to enquire into the matter and file a report.

Accordingly, the writ petition is disposed of with a direction upon the concerned authority to complete the enquiry in accordance with law, upon giving an opportunity of hearing to the petitioner as also the respondent nos.4 and 5. On the basis of the reports and findings, steps shall be taken in accordance with law. As the charge-sheet has already been filed, the Officer-in-Charge, Bolpur Police Station shall ensure that no unnecessary harassment shall be caused to the petitioner by the respondent nos.4 and 5.

This Court has not gone into the merits of the claims of the petitioner. The entire issue shall be decided by the police authority, independently. The entire exercise shall be completed within a period of three months from date of communication of this order.

This order shall not have any influence on the pending trial.

Accordingly, the 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.)