

S/L 15
15.06.2022
Court. No. 19
GB

WPA 9929 of 2022

Md. Samser Alam
VS
The State of West Bengal & Ors.

*Mr. Imtiaz Ahmed,
Mr. Ghazala Firdous,
Ms. Smita Saha,
Mr. Shibasish Banerjee,
Sk. Saidullah.*

...for the Petitioner.

*Mr. Sanatan Kr. Mitra,
Ms. Jyotsna Roy.*

...for the State.

*Mr. Akash Dutta,
Mr. Zahid.*

...for the Respondent Nos.6 to 9.

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

Allegations are against the Officer-in-Charge, Golabari Police Station. It is the specific case of the petitioner that the respondent no.4 has failed and neglected to conduct the investigation in a free, fair and proper manner. According to the petitioner, the respondent nos.6 to 9 are roaming around at large, but no arrest has yet been effected. It is further submitted that the application for anticipatory bail has also been withdrawn by the said respondents. The further allegation of the petitioner is that Section 380 ought to have been incorporated in the FIR. It is also submitted that statement of the petitioner was not recorded. Neither any notice under Section 91 of the Code of Criminal Procedure had been issued.

Golabari PS Case No.177 of 2022 dated April 9, 2022 under Sections 448/427/379/506/34 of the Indian Penal

Code was initiated on the complaint of the petitioner. Investigation is under progress. Police authorities submit that as soon as the complaint was received from the petitioner, the police authorities went to the place of occurrence and ensured that the wrong doers vacate the premises.

Mr. Dutta, learned advocate appearing on behalf of the respondent nos.6 to 9 submits that there are contradictory statement in the writ petition and in the application filed before the learned Magistrate under Section 156(3) of the Code of Criminal Procedure.

Having heard the learned advocates for the respective parties, this Court is of the view that the investigation with regard to Golabari PS Case No.177 of 2022 should be conducted in a free, fair and expeditious manner. The Commissioner of Police, Howrah Town shall depute an Assistant Commissioner of Police from the said Commissionerate to monitor the investigation. The investigating agency shall conduct the investigation upon observing each and every provisions of law. The investigation is still in progress and as such the police authority may take a decision at the appropriate stage, whether to incorporate other sections in the FIR. Such prayer can also be made by the petitioner before the appropriate court at the appropriate stage.

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.)