

July 19, 2022
Sl. No.8
Court No.1
s.biswas

WPA (P) 251 of 2022

Pallabi Chatterjee
vs.
The State of West Bengal and others

Ms. Susmita Saha Dutta,	
Mr. Niladri Saha, Advocates	... for the petitioner
Ms. Ipsita Banerjee, Advocate	... for the State
Mr. Sumit Ray, Advocate	... for the WBSEDCL

This public interest petition is at the instance of a practicing advocate of this Court alleging improper investigation in respect of the incident of rape upon a minor girl by two drunken young men. It is alleged that after the incident, the father of the victim had an altercation with the accused and he was attacked with a sharp weapon by the accused persons resulting into injuries and that the mother of the victim was threatened.

On the direction of this Court, a report in the form of affidavit on behalf of the Detective Department, Barrackpore Police Commissionerate has been filed disclosing that after receipt of the complaint about gang rape, Basudebpur Police Station Case No.77 of 2022 dated 05.06.2022 under Sections 376DA of the IPC and Section 6 of the POCSO Act was registered and that the statement of the victim was recorded and medical examination was done and wearing apparels of the victim were seized.

The report further reveals that two FIR named persons were arrested on the same day and on the next day the statement of the victim and her mother were recorded under Section 164 of the Cr.P.C. in the Court of learned Additional District and Sessions Judge, 1st Court, Special Court under POCSO Act, Barrackpore.

The report discloses about the seizure of other items and medico-legal examination of the arrested accused persons. The report further discloses that on 10.06.2022 as per the direction of Commissioner of Police, Barrackpore Commissionerate vide Commissionerate Order No.2337 dated 10.06.2022, the control of the investigation was taken over by the Detective Department, Barrackpore Police Commissionerate and that the statement of 20 witnesses along with the seizure witness was recorded and the same were video-graphed.

The report relating to attempt to murder by brother of one of the accused persons upon the maternal uncle of the victim girl was also registered and the arrests were made. As per the said report, the investigation in both the cases is under progress and the family members of the victim have been provided adequate protection.

Learned counsel appearing for the petitioner fairly states that in view of the progress of investigation which has been disclosed in the report, she does not call for any exception and the only surviving issue is about the lack of street lights in the concerned Gram Panchayat, namely Panpur-Keutiya Gram Panchayat (respondent No.4).

Learned counsel appearing for the electricity company has submitted that the electricity company has no objection in providing electricity for street lights subject to compliance, but no application has been made by the Gram Panchayat for the same and that on making such application, the needful will be done without any delay. Learned counsel for the electricity company has also not disputed that no street lights exist in the concerned area at Mukundapur under the Panpur-Keutiya Gram Panchayat.

In spite of service of notice, no one has appeared on behalf of the respondent No.4 (Panpur-Keutiya Gram Panchayat).

It is the responsibility of the Gram Panchayat to provide street lights especially when absence of the same becomes a safety issue for the residents.

Hence, we direct the respondent No.4 to take appropriate step for providing street lights in the locality concerned i.e. Mukundapur under the Panpur-Keutiya Gram Panchayat within a period of four weeks from the date of receipt of a copy of this order. On making an application by the respondent No.4 to the respondent No.5 (WBSEDCL), expeditious action in accordance with law will be taken by the electricity company to facilitate the street light connection in the locality.

Petitioner will communicate this order to respondent No.4 promptly.

The writ petition is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]