

31.10.2022.
Court No.13
Item No. 19
ap

W.P.A. No. 11376 of 2021

**Sri Soumendra Nath Gunin
Versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Das,
Mr. Suman Chattopadhyay.

...For the petitioner.

Mr. Subhabrata Datta,
Mr. Sanatan Panja.

...For the State.

Mr. Datta, Counsel for the State has placed a summary of the case diary prepared by ACP-II, Barrackpore Police Commissionerate dated 19th September, 2022.

This Court is saddened to note that, where police themselves are of the opinion that there has been a murder of the petitioner's wife and daughter in January, 2014, an FRT has been filed in the year 2015. The Magistrate has, however, directed further investigation in the matter.

It appears that the investigation is continuing until September, 2022. The statement of the petitioner under Section 161 of the Code of Criminal Procedure has been recorded for the first time in April, 2021.

Mr. Datta submits that the scene of the crime has since been contaminated by the local residents, who walked all over the area. It is not understood as to why the place of occurrence has not been cordoned off.

This Court finds a large number of discrepancies in the investigation. This Court is distressed to note that Barrackpore Police Commissionerate has not been able to complete investigation or trace out the culprits for more than 8 years.

This Court is, therefore, of the view that investigation must be transferred to the Criminal Investigation Department, West Bengal. The case diary and all evidences and materials relating to the murder of the petitioner's wife and daughter shall be handed over to the Criminal Investigation Department, West Bengal forthwith.

The concerned Investigating Officer of the Criminal Investigation Department, West Bengal shall complete the investigation within a period of three months from date mandatorily and positively and final report should be submitted to the concerned Additional Chief Judicial Magistrate within the time stipulated hereinabove.

The report dated 19th September, 2022 of the ACP-II, Barrackpore Police Commissionerate is kept with the record.

The case diary is returned back to the Barrackpore Police Commissionerate to be handed over to the Criminal Investigation Department, West Bengal as directed hereinabove.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)