

29.06.2022

Sl. No.40

ss

W.P.A. 10592 of 2022

Khairun

Vs.

The State of West Bengal & ors.

Mr. Kaustav Bagchi

Mr. Debayan Ghosh

Ms. Priti Kar

... for the petitioner

Mrs. Chama Mookherjee

Mrs. Paramita Pal

... for the State

Affidavit of service filed in Court, is taken on record. Despite service, none appears on behalf of the respondent nos.5, 6 and 7. The postal articles, which were sent to the said respondents, have returned with the endorsement 'Refused'. The said postal articles are taken on record.

The allegation of the petitioner with regard to inaction of the police authorities is not substantiated. The investigation has resulted in filing of a charge-sheet. The investigating agency has reserved its right to file a supplementary charge sheet. One of the accused persons, namely, the respondent No.6 was arrested. Statement of the daughter of the deceased under Section 164 Cr.P.C. has also recorded before the Judicial Magistrate, 1st Court at Malda.

It is also submitted that recording of statements under Section 164 of the Cr.P.C. of some of the neighbours, has been prayed for.

The petitioner claims to be the wife of the deceased. She prays for a direction upon the investigating agency to sponsor her before the learned Magistrate for recording her statement under Section 164 of the Cr.P.C. She claims to be one of the eye-witnesses to the incident.

The Superintendent of Police, Malda, shall consider such prayer of the petitioner and take a decision as to whether under the circumstances of the case where the charge-sheet has already been submitted upon completion of the investigation, recording of the statement of the petitioner under Section 164 of the Code of Criminal Procedure, would be necessary or not.

With regard to the contention of the police authorities that two of the accused persons are absconding and a prayer has already been made for issuance of warrant of arrest, the court directs that expeditious steps shall be taken by the police authorities in accordance with law, on the basis of such prayer, before the learned Magistrate.

With the above observation, this writ petition is disposed of.

All parties are to act on the basis of website copy of this order.

(Shampa Sarkar, J.)