

12.07.2022
Court No. 19
Item no.101
CP

W.P.A. No. 11358 of 2022

Beli Majhi
Vs.
The State of West Bengal & ors.

Mrs. Juin Dutta Chakraborty

...for the petitioner.

Ms. Jayeeta Sinha
Mr. Sandip Mandal

...for the State respondents.

Mr. Ramkrishna Biswas

....for the respondent nos. 4 & 5.

Affidavit of service is taken on record.

The writ petition has been filed with the allegation that the Officer-in-Charge Nakashipara Police Station and the investigating officer of Nakashipara PS Case No. 177 of 2022, did not take proper steps to conclude the investigation in an impartial and independent manner.

The learned advocate for the respondent nos. 4 and 5 submits that the said respondents are the owners of the brick field where the incident occurred between two groups of workers and the said respondents are not involved in the incident.

According to the petitioner, one Parimal Biswas and one Sanjit Mandal who are the workers in the

brick field have been implicated by the police authorities falsely, but the actual persons, namely, respondent nos. 4 and 5 ought to have been implicated by the police authorities, as they were solely responsible for the incident.

The other allegation is that statements of the petitioner, who is the de facto complainant and the mother of the deceased, were not recorded under Section 164 of the Cr.P.C.

The police report is taken on record. It appears that over the issue of playing loud speakers in the brick field, a fight broke out and some persons assaulted the petitioner's son. The son succumbed to his injuries.

The investigating officer visited the place of occurrence, prepared a rough sketch map, recorded the statements of available witnesses under Section 161 of the Cr.P.C., arrested two of the FIR named persons, namely, Parimal Biswas and Sanjit Mandal. The statements of an eyewitness, namely, Selim and the wife of the deceased, were also recorded under Section 164 of the Cr.P.C.

The post-mortem report was collected. The death was due to the effect of injuries, anti-mortem and homicidal in nature. The viscera was sent to the FSL for examination, but the report is still awaited. However, the investigation was concluded and a

charge-sheet No. 379 of 2022 dated June 10, 2022, under Sections 302 and 34 of the Indian Penal Code, has been submitted before the learned court below. The petitioner is aggrieved because the investigation and the charge sheet excluded the respondent Nos. 4 and 5.

The police authorities have submitted, that the investigation did not reveal involvement of the respondent Nos. 4 and 5.

As the charge-sheet has already been filed, the remedy of the petitioner is to file a 'Naraji' petition before the learned court below and pray for reinvestigation and/or further investigation on the points which have been urged before this court.

The writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)