

28.07.2022
Sl. No.16(SL)
srm

W.P.A. No. 12104 of 2022

Md. Reajul & Anr.

Versus

The State of West Bengal & Ors.

Mr. Golam Mastafa,
Mr. Subir Sabud

...for the Petitioners.

Mr. Arjun Roy Mukherjee,
Mrs. Sucharita Paul

...for the State-respondents.

Despite service, none appears on behalf of the respondent No.6. Affidavit-of-service is taken on record.

The petitioners allege overt act of the police authorities in sealing the hotel named and styled as “Galaxy Guest House Inn” at Lalbagh, Murshidabad. It is alleged that on June 2, 2022 at around 4:00 p.m. the respondent No.6 along with some persons and members of an NGO entered the guest and opened the cash box and took away the entire cash amounting to Rs.9,00,000/-, books worth of Rs.2,00,000/-, one laptop, Pan card and Aadhar card of the petitioner No.1 and sealed the guest house.

A complaint was lodged with the Superintendent of Police, Murshidabad with regard to such overt act.

From the police report, it appears that Murshidabad Police Station Case No.307 of 2022 dated June 2, 2022 was started against the petitioners under Sections 376/370/372/370A/373/120B of the Indian Penal Code, read with Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act as also Sections 6/12/17 of the POCSO Act.

The petitioners allege that the entire investigation was founded on false, and fabricated documents and unfounded allegations.

The police report is taken on record. It appears that on receipt of an information on June 2, 2022 from one Smt. Soma Bhowmick, Ex-Chairperson of Child Welfare Committee, Murshidabad, the respondent No.6, Inspector-of-Police, District Enforcement Branch, who was also holding the charge of the anti human trafficking unit Murshidabad, along with other police personnel, Smt. Soma Bhowmick and others arrived at the said hotel for conducting a raid.

An intimation to the Murshidabad Police Station was sent, which was recorded as Murshidabad PS GDE No.109 dated June 2, 2022. At the time of raid, all legal formalities were complied with. The police authorities rescued three minor girls, who were found in objectionable condition from a room in which they had been detained. Articles were seized. Proper seizure list was supplied. A complaint was

lodged by the Murshidabad Police Station, which has already been referred to hereinabove. It further appears from the report that the Investigating Officer examined several witnesses under Sections 161 of the Code of Criminal Procedure and had also arranged for recording statements of the victim girls under Section 164 of the Code of Criminal Procedure. In the statements, the victim girls made serious allegations against the petitioners. Further, the petitioner No.1 has also been charge sheeted in Murshidabad Police Station Case No.293 of 2020 and Murshidabad Police Station Case No.675 of 2020. These cases also constitute offences not only under the Indian Penal Code, but also under Sections 6 of the POCSO Act. With regard to Murshidabad Police Station Case No.636 of 2017, which also involves allegations under the Immoral Traffic (Prevention) Act, the investigation is under progress. The guest house was sealed.

A team from the Forensic Science Laboratory and experts visited the place of occurrence for collection of evidence and upon completion of the initial inspection and collection of evidence, the seal was removed from the place of occurrence. A notice was affixed at a conspicuous place of the guest house.

Under such circumstances, the Court is not inclined to pass any orders in favour of the petitioners. Investigations

are under progress and the same must be reached to their logical conclusion, in accordance with law. The police authorities are directed to keep a strict vigil so that no further offence of similar nature are committed and the guest house is not used for any further illegal activities. The allegation against the respondent No.6 is baseless.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)