

19.07.2022
Court No. 19
Item no.153
CP

W.P.A. No. 12119 of 2022

Akshay Kumar Maity
Vs.
The State of West Bengal & ors.

Mr. Dhananjay Banerjee
Ms. Oindrilla Ghosh
....for the petitioner.

Ms. Sipra Majumdar
Ms. Prativa Ghatak
...for the State.

Mr. Udayan Chakravarty
Mr. Atanu Chakraborty
Mr. Debangana Das
....for the respondent nos. 6 & 7.

The police report is taken on record. The report is very sketchy. The approach of the police authorities towards the complaint of the petitioner which was submitted over the incident which took place on May 14, 2022, was not proper. However, it appears from the report that Singur PS Case No. 264/2022 dated June 26, 2022 was registered under Sections 341/323/325/379/504/506 and 34 of the Indian Penal Code. The accused persons were issued notices under Section 41A of the Cr.P.C.

It is submitted by Mr. Chakravarty, learned advocate appearing on behalf of the respondent nos. 6 & 7, that the said respondents surrendered before

the learned jurisdictional magistrate and they were released on bail.

There is no explanation in the police report as to why the FIR was registered after a month from the date of complaint of the petitioner. The petitioner's complaint was filed on May 17, 2022. There are also allegations that the petitioner was attacked with a bomb, but the court does not find any sections in this regard, had been incorporated.

In any event, it is not for the court to direct or monitor the investigation. Thus, the court directs that the Superintendent of Police, Hooghly, Rural Police District, must oversee the investigation of the case and if during investigation it is found that further sections must be incorporated on the basis of the contents of the FIR, materials gathered and statements of witnesses, then steps shall be taken in accordance with law.

The court is surprised at the delay already caused. How a general diary could have been registered and prosecution under Sections 107 and 116(3) of the Cr.P.C. could have been submitted, when there were serious allegations.

This order shall not be construed as an observation on the culpability of the respondent nos. 6 & 7. Such issue shall be decided at the appropriate

stage. The police authorities shall ensure that the petitioner is not caused any harm.

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.)