

19.7.2022
Court No. 19
Item no.157
sn

WPA No.12269 of 2022

Shreyoshi Chakraborty

Vs.

The State of West Bengal & ors.

Mr. Srijib Chakraborty

Mr. Sunny Nandy .for the petitioner

Md. Subhabrata Datta

Mr. Banibrata Datta .for the State

Mr. Subhamoy Bhattacharyya

Mr.Shankar Mukherjee ..for the respdt.6

The petitioner has alleged that the investigation with regard to Bidhannagar North Police Station Case no. 156 of 2021 dated July 26, 2021 has not been conducted in a proper manner. The investigating officer has filed a charge sheet without incorporating section 8 of POCSO Act, although ingredients of the said section were available from the materials on record. The charge sheet itself had referred to the nature of the offence but section 8 has not been incorporated.

As the charge sheet had already been filed, this Court is of the view that the remedy of the petitioner would be before the learned court before whom the case is pending.

The learned Court is sufficiently empowered under the law to decide as to whether section 8 of the POCSO Act, should be incorporated or not.

This writ petition is disposed of with liberty to the petitioner to approach the learned Court below with her contentions, which have been raised in the writ petition.

It is made clear that as the trial is pending, the police authority shall maintain a vigil, so that the petitioner does not face any harassment.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)