

22.07.2022
Court No. 19
Item no.164
CP

W.P.A. No. 12589 of 2022

Montu Kumar Roy
Vs.
The State of West Bengal & ors.

Mr. Syed Arif Ahmed
....for the petitioner.

Ms. Ipsita Banerjee
....for the State.

The petitioner prays that the police authorities must be directed to take steps against the respondent no. 4. The respondent no. 4 is the lady who subsequently married the boyfriend of the deceased daughter of the petitioner. It is alleged that as the boyfriend refused to marry his daughter, the daughter was compelled to commit suicide. Subsequently, the said person married the respondent no. 4. The petitioner prays for orders upon the police authorities to take steps against the said respondent.

The petitioner had moved this court on an earlier occasion alleging inaction of the police authorities pursuant to the complaint filed by the petitioner about his daughter's unnatural death. The said writ petition was registered as WPA 5039 of 2022. The writ petition was disposed of by an order dated June 13, 2022, upon recording that the police

authorities had registered Gangnapur Police Station Case No. 43 of 2022 dated February 12, 2022, under Sections 306/417/376/34 of the Indian Penal Code. The investigation was complete and charge-sheet was filed.

The order also recorded that the police authorities had taken steps for issuance of warrant of arrest against the absconding accused persons. Some of the respondents in the said writ petition had been granted anticipatory bail by this court on May 10, 2022. The respondent no. 4 herein, was the respondent no. 8 in the said writ petition. This court had observed that the respondent no. 8 had not approached this court under Section 438 of the Cr.P.C. This court disposed of the writ petition with further liberty to the petitioner to approach the police authorities if further commission of any cognizable offence took place. Today, the petitioner has moved this court for steps against the respondent no. 4.

The police report is taken on record. It appears that on February 17, 2022, the Investigating Officer raided certain places and arrested one of the FIR named accused, namely, Sakti @ Saktipada Biswas. After completion of the investigation charge-sheet was filed on April 15, 2022, against four of the FIR named accused persons including Joyprokash Biswas. Prayers for warrant and proclamation were

also made, in respect of Minu Biswas and Moumita Biswas, as they were absconding. The Investigating Officer prayed before the learned court below for discharge of the respondent no. 4 from the case as there was no evidence against the said respondent. Her complicity could not be substantiated. Minu Biswas and Moumita Biswas were granted anticipatory bail by this court. Joyprokash Biswas surrendered before the learned Magistrate and was released on bail.

Under such circumstances, this court is unable to understand why the petitioner has filed this writ petition, once again with similar prayers.

The police authorities have already asked for discharge of the respondent no. 4 before the learned court below. The petitioner is always at liberty to object to such prayer. The petitioner is also at liberty to take appropriate steps before the learned court below, if he is of the opinion that the investigation was not completed in a free, fair and proper manner. The criminal court is empowered to pass necessary orders.

This writ petition cannot be entertained by this court at this stage.

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.)