

3.8.2022
Sl.No.43
sn

W.P.A. 12642 of 2022

Sourav Shaw

Versus

The State of West Bengal & Ors.

Mr. R.K. Sharma
Ms. Kakali Samajpati
... for the petitioner

Mr. Debasish Ghosh
Ms. Piyali Sengupta ..for the State

The petitioner prays for transfer of the investigation to the Criminal Investigation Department.

The allegation is that the police authorities delayed in sending the viscera for examination by the Forensic Science Laboratory. As such, the cause of death of the petitioner's father could not be ascertained. The post mortem report indicated that the death was due to diseased heart condition, anti mortem in nature. However, it was stated by the doctor that the final opinion could be provided only after receipt of the FSL report.

Today, when the matter is called on, the FSL report has been produced before this Court.

The allegation of the petitioner is that due to delay in sending the viscera for examination, the result of the examination was not correct as the viscera materials was in an advanced stage of decomposition.

The learned advocate for the State respondents submits that the petitioner had not alleged before the police authorities that his father died under mysterious circumstances and there were no allegations against any particular person or group of persons. Even no objection was filed with regard to the post mortem report. There is no allegation of homicide at all.

Under such circumstances, this Court finds that even though the viscera was at an advanced stage of decomposition, the Assistant Director, Chemistry Division, Forensic Science Laboratory opined that no toxic substance could be detected in the said viscera at the Forensic Toxicological Examination. The viscera report is conclusive. There are no allegations of homicide by introduction of any poison etc.

The police authorities are directed to conclude the investigation in a free, fair and proper manner and reach the investigation to its logical conclusion, in accordance with law.

The Deputy Commissioner of Police, Barrackpore Commissionerate shall enquire into the reasons for the alleged delay in sending the viscera for the examination and fix the responsibility on the erring officer, so that in future similar situation is not repeated.

This writ petition is 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.)