

S/L 333(ML)
07.07.2022
Court. No. 19
GB

WPA 13732 of 2021

Sarada Shaw & Anr.
VS
The State of West Bengal & Ors.

*Mr. Amarendra Chakraborty,
Mr. Dipayan Kundu,
Mr. Tonmoy Chatterjee.*

...for the Petitioners.

*Sk. Md. Galib,
Ms. Subhra Nag.*

...for the State.

*Mr. Sajal Kr. Ghosh,
Mr. R. Bhattacharjee.*

...for the Respondent Nos.6 to 13.

When the writ petition had been filed, the petitioners had complained that the police authorities even on the 87th day had failed to complete the investigation and reach the same to its logical conclusion. The other allegation was that the accused persons were not arrested. It was also alleged that statements under Section 164 of the Code of Criminal Procedure of the petitioners, were not recorded.

It is submitted by the learned advocate for the State, that on the basis of the complaint filed by the petitioners, Bhatpara Police Station Case No.248 of 2021 dated May 19, 2021 under Sections 302 and 34 of the Indian Penal Code was initiated. During the pendency of the writ petition the investigation was completed and final report dated December 23, 2021, had been filed. The petitioners have also filed a 'Narazi' petition before the court below.

The learned advocate for the state denies the allegation that the police authorities, had not taken any steps.

The petitioners submit that the final report was filed in a casual manner, without the police authorities having properly investigated into the offence complained of.

The police authorities have filed a report, from which it appears that the investigating officer had visited the place of occurrence. Drawn a rough sketch map. Witnesses were examined under Section 161 of the Code of Criminal Procedure. Seizures were made of the rent agreement and other documents. The Surathal report had been prepared and Magisterial inquest was collected by the investigating officer. The post mortem reports of the deceased and the new born baby were collected for the purpose of investigation.

The doctor opined that the death of the deceased daughter of the petitioners was due to the effects of a diseased condition of organs, ante mortem in nature. A U.D. Case was also registered with regard to the said death.

With regard to the cause of death of the baby, who was stillborn, the doctor's opinion was head injury, of the stillborn, female baby. The treatment papers of the deceased were also collected. The treatment papers revealed that the victim suffered Severe Septicemic Shock.

The antecedent cause had been stated as 'Disseminated Intra Vascular Congulopathy'. This was a case of Intra Uterine Fetal Demise. The Bed Head Tickets and other documents were also collected. The opinion of the doctor, who treated the deceased, who was 32 weeks pregnant, was also taken. No external injuries were detected. There was no dying declaration and the details of the opinion

of the doctor have been produced before this Court, in the report.

Under such circumstances, the investigation was concluded and the final report was submitted. It was found that the case was initiated on a mistake of fact.

The petitioners submit that a 'Narazi' petition has already been filed before the learned ACJM, Barrackpore.

This Court is of the view that as the investigation has been completed and a final report has been filed, the 'Narazi' petition filed by the petitioners must be considered by the learned ACJM, Barrackpore without being influenced by any of the observations made hereinabove. The observations made hereinabove are only for the purpose of disposal of the writ petition. The learned Magistrate shall hear the 'Narazi' petition upon perusal of the entire records of the investigation.

Accordingly, the writ petition is disposed of.

However, there will be 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.)