

26.07.2022
Sl.No.174(ML)
sn

W.P.A. No. 12925 of 2022

Sudipta Nag

Versus

The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Mr. Pritam Majumdar
Ms. Piyali Paul

... for the Petitioner.

Mr. Sadhan Haldar
Mr. Ashok Sarkar

...for the State-respondents.

Mr. Chittapriya Ghosh
Mr. S.K. Adhikari

...for the Respondent No.6

The petitioner prays for transfer of the investigation arising out of Jhargram Police Station Case No./125 of 2022 dated April 24, 2022 to the Crime Investigation Department.

The contention of the petitioner is that the Inspector In Charge of Jhargram Police Station has not investigated into the matter in a free, fair and proper manner. According to the petitioner, the accused persons have not been arrested. Statements under Section 161 and 164 of the Code of Criminal Procedure have not been recorded. The postmortem report did not indicate the correct state in

which the body was taken to the hospital. That the seizure of the apparels of the petitioner's son had not been made.

Mr. Ghosh, learned advocate for the respondent no.6 (one of the accused persons) submits that the petitioner and the respondent nos. 6 to 8 had met near a helipad in the evening of April 20, 2022, to enjoy themselves. At around 10.00 p.m., all the friends left for their respective houses. The alleged accused persons are co-operating with the police authorities. They did not have any role to play in the alleged death, which was an unfortunate road accident.

The police report is taken on record.

The preliminary report after the examination of the scooty, prepared by the State Forensic Science Laboratory has been produced before this Court. The report has been prepared by the Assistant Director, State Forensic Science Laboratory. The opinion is that the incident was a case of road accident. The victim was riding the scooty at a considerable speed from east to west direction of the said road. He lost control and fell down on the road. He succumbed to head injuries. The possibility of being hit by any other vehicle was also ruled out. The final report would be issued within a month. It was stated that the

examination of the scooty indicated that the some damage had been caused to the scooty as well.

The police report indicates that on April 24, 2022 at about 12:15 hrs. the police station received a written complaint from the petitioner, alleging that on April 20, 2022 , the petitioner's son left the house, but did not retrain. On April 21, 2022, the petitioner's father was informed from his son's mobile, that his son had been taken to Jhargram Hospital where he was declared dead.

The body was found lying in a pool of blood by the side of a road at Jaynagar in Baita-Dahijuri road. The petitioner suspected that his son was killed by the respondent nos. 6 to 8.

On the basis of the complaint filed by the petitioner, Jhargram Police Station Case No. 125 of 2022 dated April 24, 2022 under Section 302/34 of the Indian Penal Code was registered. The investigation is on. The scooty was sent to the State Forensic Science Laboratory, for a report. Viscera was sent for examination. The investigating officer visited the place of occurrence. A sketch map was drawn. Available persons were examined under Section 161 of the Code of Criminal procedure. Statements of some witnesses were also recorded under Section 164 of the Code of Criminal Procedure. The

investigation revealed that the friends had met at a particular place on April 20, 2022 in the evening and after enjoying up to 10.00 p.m., they left for their respective houses. The fact that the boys left separately was also confirmed from the statements of available witnesses, namely, a night watchman and others. The mobile tower location of the accused persons also confirmed that they were together in the evening near the helipad, and thereafter parted. The petitioner was asked to meet the investigating officer with further details, as to why he suspected that the friends had killed his son. The viscera report is awaited.

It appears that some morning walkers saw the deceased, lying on the road on April 21, 2022 at around 4-00 to 4-15 a.m. They were also examined. These persons informed a civic volunteer. The police authorities were thereafter informed and the body was taken to the hospital. A U.D. Case was registered under Section 174 of the Code of Criminal Procedure. The police investigation so far also indicates that the death was accidental and not homicidal.

This Court directs that the investigation which has been initiated must be reached to its logical conclusion, in accordance with law. Steps shall be taken for obtaining the

viscera report. The postmortem report, other circumstantial evidences, recorded statements and the viscera report shall be considered, in order to unearth the truth.

The petitioner will be at liberty to attend the police station with all documents and photographs and with further information that may be available.

The Superintendent of Police, Jhargram, shall supervise the investigation. The investigation must be independent. The observations herein are restricted to the disposal of the writ petition.

The police report and the report of the State Forensic Science Laboratory, are taken on record.

The writ petition is, thus, 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.)