

05.08.2022
Court No.19
Monthly List
Item No.76
AP

WPA 13400 of 2022

X

Vs.

The State of West Bengal and Ors.

Mr. Debashis Banerjee

... For the Petitioner.

Mr. Amal Kumar Sen

Ms. Ashima Das (Sil)

... For the State.

The petitioner is a minor, who is represented by her father.

It is alleged that the petitioner was sexually assaulted by the son of respondent No.6. On the basis of the complaint lodged by the petitioner's father, Kashipur Police Station Case No.228/20 dated 15th August, 2020 under Sections 363/365 of the Indian Penal Code was initiated. Later, Section 6 of the POCSO Act was added. On completion of the investigation, charge sheet under Section 363/365 of the Indian Penal Code and Section 6 of the POCSO Act was submitted against the accused. The accused was arrested and he was in judicial custody.

It is alleged that the respondent No.6 started disturbing the petitioner and her family members and terrorized them. They were offered money to withdraw the case and were also threatened. Over such complaint, Kashipur Police Station Case No.258/20 dated 05th September, 2020 under Section 448/195A/34 of the Indian Penal Code was registered against the respondent

No.6 and one Bablu Molla. Upon completion of the investigation, charge sheet was submitted under Section 448/195A of the Indian Penal Code.

Over the complaint of further incident of threat, Kashipur Police Station Case No.132/22 dated 3rd April 2022 under Sections 447/195A/506/34 of the Indian Penal Code was registered against the respondent No.6 and some others. Charge sheet has been filed upon completion of the investigation.

The police authority have specifically indicated that a Police Mobile Van patrols in and around the area so that the victim and her family members can be secure and lead a normal life. A civic volunteer has been deployed so that the victim can go to school and no one influences the victim and her family members.

In the decision of ***Mahender Chawla & Ors. Vs. Union of India and Ors.*** reported in ***(2019) 14 SCC 615***, the Hon'ble Apex Court had directed implementation of a witness protection scheme. The parameters and the guidelines were laid down by the Hon'ble Apex Court.

Thus, this Court is of the view that in any event the witness is supposed to be protected by the police authority specifically when the victim is a minor and has been sexually assaulted. The fear and trauma of the incident require sensitive handling and assurance by the law-enforcing agency. The civic volunteer who has been deployed shall be in continuous vigil in the residence of

the victim and shall accompany the victim to her school and also give protection to the victim and her family members. The mobile van shall continue to patrol at least thrice a day. On any further incident of threat or intimidation, the petitioner's father shall immediately inform the concerned police station and steps shall be taken in accordance with law.

The petitioner is directed to serve the order upon the concerned police station.

The report of the Officer-in-Charge, Kashipur Police Station, Baripur Police District dated 11th July 2022 is taken on record.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Shampa Sarkar, J.)