

S/L 161
27.6.2022
Court. No. 19
sn

WPA 14397 of 2021

Sk. Habibulla & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Debasish Kundu
Sk. Nezamuddin

... for the petitioners

Ms. Chaitali Bhattachayya
Mr. Mrinal Kanti Ghosh

..for the State

The petitioners allege defects in the investigation of Pingla Police Station Case No. 200 of 2021 dated July 10 of 2021, registered under Section 498A/302/201/34 of the Indian Penal Code.

The first allegation is that the child who was present at the time of occurrence ought to have been examined under Section 164 of the Code of Criminal Procedure. The second allegation is that the post-mortem report has not been handed over to the petitioners.

The police authorities have filed a report, from which it appears that the post-mortem report was handed over and the statements of the child was recorded before the learned Magistrate under Section 164 of the Code of Criminal Procedure. A copy of the statement recorded under Section 164, has been filed before this Court. Subsequently, the investigation was completed and charge-sheet was submitted before the

learned jurisdictional Magistrate under Section 498A/306/34 of the Indian Penal Code.

The petitioner's right to approach the learned Magistrate for appropriate reliefs, has not been decided.

The writ petition is disposed of.

The remedy of the petitioners before the learned Magistrate, is kept open.

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.)