

24.08.2022
Court No. 19
Item No. 4 (DL)
CP

W.P.A. No. 14192 of 2022

Mumtaz Ali
Vs.
The State of West Bengal & ors.

Mr. Wasim Reza
....for the petitioner.

Mr. Nelotpal Chatterjee
Mr. Amrita Lal Chatterjee
...for the State.

Mr. Sanjib Seth
....for the respondent nos. 4 to 6.

The petitioner is aggrieved by the non-incorporation of some of the provisions of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'the POCSO Act') in Shibpur Police Station Case No. 171/22 dated June 3, 2022, under Sections 342/195A/323/34 of the Indian Penal Code.

Upon perusal of the statements of the minor girl recorded under Section 164 before the learned Judicial Magistrate, 1st Class, 1st Court, Howrah, the allegation of the petitioner that the police authorities had intentionally not incorporated the provisions of the POCSO Act, is not substantiated. Thus, at this stage, when the investigation is still going on, no further observations and directions are necessary

from this court. The accused persons were arrested and subsequently released on bail.

The case diary has been produced before this court and the statements of the witnesses also do not reflect, prima facie, commission of an offence under the POCSO Act.

The investigation shall be conducted in a free, fair and impartial manner. The observations made in this writ petition, shall not have any impact either on the investigation or on any further proceeding.

The case diary be returned to the learned advocate for the State respondents. The police report be kept on record.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)