

11.08.2022
Sl. No.119(ML)
srm

W.P.A. No. 14299 of 2022

Anita Mandal

Versus

The State of West Bengal & Ors.

Mr. Avinaba Patra,
Ms. Souraja De

...for the Petitioner.

Mr. Amitesh Banerjee,
Mrs. Ipsita Banerjee

...for the State-respondents.

Affidavit-of-service is taken no record.

The petitioner alleges that the authorities of Habibpur Police Station illegally detained the petitioner's son from May 27, 2022 to May 31, 2022 at the police station without showing any arrest. Ultimately, on June 1, 2022, the petitioner's son was shown to be arrested with the allegation of commission of offence under the Narcotic Drugs and Psychotropic Substances Act, 1985.

It appears from the records that the petitioner by a letter dated May 30, 2022 intimated the Superintendent of Police, Malda about the alleged illegal detention at the police station and also expressed her apprehension that her son would be falsely implicated in a very serious criminal case

without any basis and out of vengeance. Allegation is against a biased village policeman.

Mr. Banerjee, learned Senior Standing Counsel, submits that the petitioner's son is a habitual offender and there are many cases against him which are under investigation, with regard to commission of offences under the NDPS Act. He was previously arrested in Habibpur Police Station Case No.411 of 2018 dated November 3, 2018 and Habibpur Police Station Case No.133 of 2020 dated June 20, 2020. One such FIR was registered on the complaint of a BSF personnel.

It appears that an FIR was registered on the complaint of Sitangshu Ghosh, who is the SI of Habibpur Police Station. A source information was received by the duty officer that the petitioner's son was moving suspiciously near 'Srirampur Shamshan' in order to smuggle certain contraband materials. The duty officer diarised the incident *vide* Habibpur PS GDE No.31 dated June 1, 2022. The force went to 'Srirampur Shamshan' area at around 19:25 hours. The source also accompanied the police officers. The source identified the petitioner's son and the police party apprehended him, made a search and recovered contraband materials from his possession. All such articles were of commercial quantity. Statement of the accused was recorded.

Statement of the duty officer, who received the source information, was also recorded.

Under such circumstances and on the facts, as narrated hereinabove, this Court is of the view that no useful purpose will be served in detaining the writ petitioner. The grievance of the petitioner, as enumerated in the letter to the Superintendent of Police, Malda, dated May 30, 2022, shall be considered by the said authority in accordance with law. The petitioner will be called for an interaction so that she is able to substantiate her allegation.

It is expected that the grievance of the petitioner, who is a grieving mother, shall be considered within a period of two months from the date of communication of this order.

This order shall not prejudice the continuing investigations.

The writ petition is, thus, disposed of. The petitioner will serve a copy of this order along with the writ petition upon the Superintendent of Police, Malda.

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.)