

18.8.2022
Sl.No.142
sn

WPA 14640 of 2022

**Santu Panda & Anr.
Versus
The State of West Bengal & Ors.**

**Mr. Subir Banerjee
Ms. Taniya Bhowmik
...for the petitioners**

**Mr. Subhabrata Datta
Mr. Debasish Sarkar ..for the State**

**Mr. Soumya Bosu Raychowdhri
...for the respondent No.6**

Despite service, none appears on behalf of the respondent nos.5&6. Let the affidavit of service be taken on record.

The respondent no.6 is the husband of the petitioner no.1. The petitioners are the accused in Bagnan Police Station Case No.44 of 2022 dated February 3, 2022 under Sections 498A/406/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The respondent no.6 is the de facto complainant. The respondent no.5 is the investigating officer. Allegations have been made against the investigating officer. According to the petitioners, the investigating officer under the garb of investigation have been threatening the petitioners, harassing them regularly, visiting their house and had also forced the petitioner no.2 to sign

a declaration on June 26, 2022, which had been prepared by the said investigating officer.

The Inspector in Charge, Bagnan Police Station has filed a report in the form of instructions. It appears that during investigation of Bagnan police Station Case No.448 of 2022, the statements of available witnesses were recorded under Section 161 of the Code of Criminal Procedure. Notices were served upon the petitioners under Section 41A of the Code of Criminal Procedure. The petitioners were granted anticipatory bail. The respondent no.5 along with the respondent no.6 and a lady officer went to the house of the petitioners situated at 7A, Ananda Banerjee Lane, Kolkata 700 020 for recovery of the Stridhan articles. The Stridhan articles as per the list supplied by the respondent no.6, could not be traced and NIL seizure list was prepared. The petitioner no.2 refused to sign the seizure list.

The alleged written declaration, which has been impugned in this proceeding, was not found in the case records. The police authorities have denied that such declaration was ever received by them. It is submitted that the question of preparation of the written declaration, did not arise. The allegations against to the police authorities are baseless, false and fabricated.

Under such circumstances, as the police authorities have denied the existence of the declaration, nothing further remains to be decided in this writ petition.

Such declaration allegedly signed by the petitioner No.2 shall not be treated as a part of the investigation.

The investigation shall continue in a free, fair and proper manner. The petitioners will co-operate with the investigating agency. It is made clear the no unnecessary harassment shall be caused to the accused, but this order shall not be construed either as a protective order against the petitioners or as a preventive order upon the police from continuing their search for the Stridhan articles and the investigation in accordance with law.

The Inspector in Charge, Bagnan Police Station will monitor the investigation.

This Court has not gone into the merits of the ongoing investigation. The allegation of withholding of Stridhan articles and all other issues are the subject matter of the ongoing investigation.

The writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)