

18.08.2022
Sl. No.153(ML)
srm

W.P.A. No. 14799 of 2022

Sandhya Rani Maity

Versus

The State of West Bengal & Ors.

Mr. Subrata Karmakar

...for the Petitioner.

Mr. Nilotpal Chatterjee,

Mr. Amrita Lal Chatterjee

...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges that the Officer-in-Charge, Ramnagar Police Station did not investigate Ramnagar Police Station Case No.197 of 2019, dated July 12, 2019 properly. The allegation is that vital documents were not seized and relevant witnesses were not examined. It is further submitted that the petitioner was also assaulted during the pendency of the investigation.

The police report is taken on record. It appears that the petitioner had filed a complaint before the learned Additional Chief Judicial Magistrate, Contai *vide* MP No.174 of 2019. On the direction of the learned Magistrate, Ramnagar Police Station Case No.197 of 2019 dated July 12, 2019 under Sections 306 and 34 of the Indian Penal Code, was registered and the matter was

investigated. SI Sanjoy Singh visited the place of occurrence. He prepared a rough sketch map with the index. Available witnesses were examined and their statements were recorded under Section 161 of the Code of Criminal Procedure. Raids were also conducted in order to arrest the FIR named accused persons. On transfer of SI Sanjoy Singh, the case was re-endorsed to SI Kalyan Brata Majumdar of the concerned police station on July 28, 2019. Again on transfer of SI Kalyan Brata Majumdar, the case was endorsed to SI Sarif Ali Khan. SI Sarif Ali Khan visited the place of occurrence, re-examined the complainant and also recorded the statements of other witnesses. On October 4, 2019, SI Sarif Ali Khan received the inquest report in connection with Ramnagar PS U/D Case No.10 of 2019 dated February 8, 2019 as also the *post mortem* report in respect of the deceased, bearing No.76 of 2019 dated February 9, 2019. Dr. Kaushik Tudu, Medical Officer of Contai Sub-Divisional Hospital opined that the death was due to asphyxiation, as a result of ante mortem hanging. Four of the FIR named accused persons were granted anticipatory bail by an order dated November 29, 2019 passed by the learned Sessions Judge, Purba Medinipur. On December 3, 2019, three of the other accused persons

surrendered and they were released on bail by the learned ACJM, Contai. On December 16, 2019, one accused surrendered before the learned ACJM, Contai, and was released on bail. After completion of the investigation, final report as mistake of fact was submitted before the learned court below. After receipt of the final report on January 23, 2020, the learned ACJM, Contai issued a notice upon the complainant/petitioner. On March 3, 2021, the petitioner appeared before the learned court below and prayed for re-investigation of the case. On June 23, 2022, the application for re-investigation was heard and rejected. The petitioner has not challenged the said order dated June 23, 2022, but has prayed for similar orders by filing this writ petition.

The writ petition is disposed of without any further orders.

The remedy of the petitioner to challenge the order dated June 23, 2022 passed by the learned ACJM, Contai before the appropriate forum, has not been exhausted.

However, the police authorities shall maintain a vigil and ensure that the petitioner is not harassed.

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.)