

07.06.2022
Sl. No.31
srm

W.P.A. No. 15653 of 2021

Smt. Indrani Das

Versus

State of West Bengal & Ors.

Mr. Ardhendu Bandyopadhyay

...for the Petitioner.

Mr. Apurba Kumar Ghosh

...for the Respondent Nos.7, 8 & 9.

Mr. Amitesh Banerjee,

Mr. Tarak Karan

...for the State-respondents.

The writ petition has been filed on the allegation that the respondent No.4 that is the Officer-in-Charge, Bally Police Station had failed and neglected to investigate into the complaint of the unnatural death of the son of the petitioner. According to the petitioner, the son of the petitioner was found dead under mysterious circumstances and the police authorities did not take adequate and expeditious steps to investigate into such incident.

The respondent Nos.5 to 9 are the promoters and owners of the property, which was under construction. The child of the petitioner was found dead in the pit of the lift which has been constructed and was filled with water.

The *post mortem* report also indicated that the child died as an effect of drowning. Head injury and spinal injury were detected. According to the preliminary opinion of the investigating authority, the child could have fallen into the lift pit which was filled with water.

It appears that 161 statements were recorded and several articles were seized. The viscera and other seized articles have been sent to the FSL for expert opinion. The expert opinion is awaited.

The Deputy Commissioner of Police (North Division), Howrah Police Commissionerate has been approached by the investigating officer for expeditious collection of the report from the FSL. It is submitted that as soon as the report from the FSL is received, the investigation will be reached to its logical conclusion in accordance with law.

It also appears that originally Bally PS Case No.28 of 2021 dated February 15, 2021 was started under Sections 363 and 365 of the Indian Penal Code. Thereafter Section 302 of the Indian Penal Code was added. A police report has been filed before the Court with the details of the investigation.

Thus, this Court is of the view that the police had not failed to take action on the basis of the complaint of the petitioner. However, as this is a case of death of a minor child, the police authorities must mandatorily conclude the

investigation, preferably within a period of three months and the Deputy Commissioner of Police (North Division), Howrah Police Commissionerate shall act on the basis of the request of the investigating officer and ensure that the FSL sends the report as expeditiously as possible for compliance of this order.

The writ petition is, thus, disposed of.

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.)