

19.07.2022
Court No. 19
Item no.08
CP

W.P.A. No. 15598 of 2022

Chhamad Ali Gazi
Vs.
The State of West Bengal & ors.

Mr. Dibyendu Chatterjee
Ms. Piyali Paul

....for the petitioner.

Mr. Subhabrata Dutta
Mr. Subhabrata Das

...for the State.

The petitioner prays for transfer of the investigation to an independent agency, namely, the Central Bureau of Investigation. According to the petitioner, the investigation has not been conducted in a free, fair and independent manner, by the Kultali Police Station. The offence is with regard to the murder of the minor son of the petitioner.

The police authorities have filed a report from which it appears that on receipt of information that a body of a minor boy was found in a pond, the police authorities visited the locale, recovered the body and sent the body for post-mortem. The petitioner's complaint did not contain any allegation against any particular person.

On the basis of the complaint Kultali PS Case No. 213/22 dated April 13, 2022 under Sections 302/201 of the Indian Penal Code was started. During investigation two accused persons were arrested, namely, one Ajmira Gazi and the other Abdul Haque Gazi. Several incriminating materials and articles along with other relevant documents, were seized. The post-mortem report was collected. The opinion of the Doctor was that the 'Death was due to effects of ligature strangulation and Homicidal in nature'.

On the statement of the accused Ajmira Gazi the scene of crime was reconstructed. The seized articles were sent to FSL for analysis and DNA profiling of the finger nails, blood stains etc. have also been initiated. The reports are awaited.

On the basis of the investigation, a charge-sheet has been filed vide Charge Sheet No. 404/22 dated June 30, 2022 under Sections 302/201/34 of the Indian Penal Code read with Section 6 of the POCSO Act. The police authorities have kept a provision of filing a supplementary charge-sheet, in future. The mass petition was also considered by the police.

The police authorities shall continue further investigation and file a supplementary charge-sheet on receipt of the DNA profiling report and other reports and take necessary steps before the learned

court below in case further materials relevant for the trial are gathered or other persons are found to be involved in the offence. The police report is taken on record.

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)