

31.8.2022
Sl.No.222
sn

WPA 15610 of 2022

Laxmi Rani Paik Maiti
Vs.
The State of West Bengal & Ors.

Mr. Shibaji Kumar Das
..for the petitioner

Ms. Chaitali Bhattacharyya
Mr. Kartick Chandra Kapas
..for the State

The petitioner alleges that her husband was a victim of post poll violence. The petitioner's husband allegedly belonged to a rival political party. After the Bidhan Sabha election was over, the petitioner's husband was allegedly murdered by the rival political party.

Petitioner relies on a decision passed in the matter of Susmita Saha Dutta & Ors. Vs. Union of India & Ors. being WPA (P) 142 of 2021 and eight other similar writ petitions. A Full Bench of this Court had passed certain directions.

In this case, it appears that a charge sheet has been filed by the police authorities upon investigation of Bhagwanpur Police Station Case No. 347 of 2021 dated November 7, 2021 vide Charge Sheet no. 27 of 2022 under Sections 302/34 of the Indian Penal Code against five persons. A supplementary charge sheet under Sections 302 and 34 of the Indian Penal Code had also been filed thereafter. Trial has started. The petitioner seeks

implementation of the decision of the Hon'ble Full Bench dated August 19, 2021. It is not in dispute that the trial in this case has commenced. The police authorities registered the FIR and completed the investigation and filed charge sheet. However, as the petitioner desires to approach the committee constituted by the Hon'ble Full Bench in the judgement dated August 19, 2021, the petitioner is always at liberty to do so. This court cannot pass any separate directions. It is upto the Committee constituted by the Hon'ble Full Bench whether to entertain the petitioner's prayer. The remedy of the petitioner before the trial court is also kept open.

The allegations of the petitioner, in the writ petition, has not been decided on merits.

This 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.)