

05-09-2022
ct no. 13
Sl.64
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WPA 15851 of 2022
Mohasina Khatun @ Mahasina Khatoon
-Versus-

The State of West Bengal & Ors.

Mr. Dipayan Kundu,
Mr. Avinaba Patra

....for the petitioner

Mr. Ansar Mondal,
Mr. Sougata Mitra

....for the State

Mr. Himadri Kumar Mahato

...for the respondent nos. 4 to 8

The petitioner is aggrieved that her statement under Section 164 of the Cr. P.C. has not been recorded despite FIR dated May 5, 2022 under Sections 498A/325/307 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

The petitioner could not give a statement since she was burnt and was recovering in a hospital. The petitioner is now ready to give statement.

This Court is surprised to note that as to how even without a statement under Section 164 of the Cr.P.C. the investigation has been completed in such a hurry and charge sheet filed being

Jamalpur Police Station Case No. 195 of 2022
dated 30.06.2022.

In those circumstances, the petitioner's statement under Section 164 of the Cr. P.C. shall be recorded immediately. Any other further statement and/or evidence may also be collected from family members of the petitioner and other persons.

The IO may file a supplementary chargesheet.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

The instructions of the Officer-in-Charge, Jamalpur Police Station dated 31.07.2022, addressed to the State Advocate, is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)