

08.08.2022
Court No. 19
Item no.9 (DL)
CP

W.P.A. No. 16111 of 2022

Smt. Manika Banerjea
Vs.
The State of West Bengal & ors.

Mr. Soham Kumar Roy
Mr. Sannidhya Datta
...for the petitioner.

Mr. Santanu Kr. Mitra
Ms. Mirza Kamruddin
...for the State.

Mr. Abhishek Halder
Mr. Swadesh Misra
....for the respondent nos. 5 to 8.

The petitioner alleges police inaction. It is submitted that the jewellery which was allegedly taken away by the respondent no. 5 without any authority, had not been recovered. Specific directions have been sought for upon the police authorities for recovery of the alleged jewellery. The petitioner is the mother-in-law of the respondent No. 5.

The Inspector-in-Charge, Bidhannagar North Police Station has categorically stated in a report filed in the form of an instruction that from the footage of the incident on January 29, 2022, as recorded in the mobile phone of the brother of the respondent no. 5, it appeared that the respondent no. 5 had entered the house, made normal

conversations with the petitioner and other family members, gathered her belongings in the presence of the petitioner and left the house with her minor children. The report is taken on record.

The allegations of the petitioner was not substantiated. However, with regard to the jewellery, there is a confusion as both the petitioner and the respondent no. 5 claim the jewellery to be their personal property. As such, each of them have been asked by the police authorities to provide evidence of their claim to the jewellery. The issue with regard to the jewellery, is yet to be investigated.

The affidavit-in-opposition which has been filed by the respondent nos. 6, 7 and 8 is kept on record. They are not considered as the police report is sufficient for disposal of the writ petition.

This court does not find after perusal of the police report, that further adjudication of this matter is necessary by a writ court. The investigating agency has not yet completed the investigation on the basis of the complaint lodged by the petitioner which has been registered as Bidhannagar North Police Station Case No. 89/22 dated June 10, 2022 under Section 506/447/386/387/452/354 of the Indian Penal Code.

The allegations made by the respondent nos. 5 to 8 have not been gone into at this stage. Such

allegations and counter-allegations are matters of investigation. It also appears that the parties have been asked to show proof of the jewellery.

The respondent no. 5 submits that she has been complying with the notices under Section 41A of the Cr.P.C.

The investigation will be concluded in accordance with law and the aspect with regard to removal of her jewellery as alleged by the petitioner, shall also be probed by the investigating authority in accordance with law.

This court has not expressed any opinion with regard to the allegations and counter-allegations. The observations made hereinabove are strictly confined to the disposal of the writ petition.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)