

July 22, 2022
Sl. No. 10
Court No.19
s.biswas

WPA 16210 of 2022

Victim

vs.

The State of West Bengal and others

Mr. Amritam Mondal,
Ms. Ananya Chakraborty,
Ms. Shipra Naskar, Advocates

... for the petitioner

Mr. Manoj Malhotra,
Mr. Suman Dey, Advocates

... for the State

The name of the petitioner be deleted and the writ petition shall be moved in the name of the victim.

Necessary correction be made in the writ petition.

The petitioner alleges that while serving in a hospital namely Chittranjan National Cancer Institute (2nd Campus), the petitioner was sexually assaulted by the respondent no.5. It is alleged that prayer for anticipatory bail filed by the respondent no.5 was rejected. Yet, the Kolkata Leather Complex Police Station did not take any steps to arrest the respondent no.5. They allowed the respondent no.5 to escape. The further allegation is that later, the said respondent tried to break into the house of the petitioner with the intention of causing physical injury.

The petitioner and the respondent no.5 were colleagues. They came in touch, during the course of their service. The respondent no.5 was a contractual employee and worked as a Consultant Biomedical Engineer and used to reside at the same campus where the petitioner was working. Under the allurement of marriage, the petitioner was forcefully indulged into sexual relationship with the respondent no.5 and it is further alleged that such sexual relationship aggravated to violence.

Learned counsel for the State has submitted that steps are being taken to apprehend the respondent no.5 and that the investigation is in progress. Statement of the victim under Section 164 of Code of Criminal Procedure has been recorded.

This Court is of the view that as the police authority has already initiated the investigation, the investigation should be completed in a free and fair manner. The Deputy Commissioner of Police, East Division, Kolkata shall supervise such investigation. The statement of other witnesses and the mother of the victim, shall be recorded under Section 161 of the Code of Criminal Procedure. The investigation shall be reached to its logical conclusion in accordance with law.

The Officer-in-Charge, Bidhannagar Police Station, shall ensure that the petitioner is not harmed in any way, if the petitioner complains of threat or intimidation.

This order shall not be construed as an observation of this Court on the culpability of respondent no.5, as the investigation is still pending.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All the parties shall act on the server copy of this order.

(Shampa Sarkar, J.)