

19.04.2022.
Court No.13
Item No. 30
ap

W.P.A. No. 16995 of 2021

**Smt. Rati Tudu
Versus
The State of West Bengal & Ors.**

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha,
Mr. Kamal Singh.

...For the petitioner.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Tarak Karan.

...For the State.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is aggrieved by the alleged
inaction of the Sadaipur Police Station as well as
Dubrajpur Police Station, District – Birbhum in tracing
out her husband who has gone missing since the night
of 28.02.2021.

It is submitted that a skeleton was found near
the area, where the petitioner's husband was last
seen.

It is submitted by the Counsel for the petitioner
that a case under Section 302 of the Indian Penal
Code, 1860 must be registered against the private
respondents, with whom the petitioner's husband had
attended a feast on the night, he went missing.

Counsel for the State submits that Sadaipur
Police Station has registered a U.D. Case being
Sadaipur P.S. UD Case No. 03/2021 dated

03.06.2022. Following investigation into the said UD case and postmortem of the discovered skeleton, and consultation with the S.P., Birbhum, the Sadaipur P.S. registered and FIR being Sadaipur P.S. Case No. 120 of 2021 dated 12.11.2021 under Sections 364/302/201/506/34/341/354B/376/511/323 of the Indian Penal Code, 1860. It is further submitted that Dubrajpur Police Station has registered a missing person case under G.D.E. No. 596 dated 12.03.2021. It is also submitted that all steps to trace out the missing person as specified and as normally undertaken by the police in such scenarios, have been taken.

In view of the above, this Court directs Dubrajpur Police Station to continue efforts to trace out the writ petitioner's husband.

In so far as Sadaipur Police Station FIR No. 120 of 2021 is concerned, it is ordered that investigation into the same be completed as expeditiously as possible, preferably within a period of one month from date.

This Court notes the submissions of the Counsel for the petitioner, that notwithstanding complaint under Section 376 of the Indian Penal Code, the petitioner has not been sent for medical examination.

The Officer-in-charge, Sadaipur Police Station, may consider the same and take steps in accordance with law.

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

Report in the form of instructions of the Officer-in-Charge, Sadaipur Police Station, Birbhum dated 29.11.2021 addressed to the Government Pleader, High Court, Calcutta, along with all its annexures, be taken on record. A copy of the same may be made available to the Counsel for the petitioner.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)