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2022
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C.R.R. No.2182 of 2019

In Re: A petition under Section 482 of the Code of Criminal Procedure,
1973;

Krishna Chandra Das
Versus
The State of West Bengal & Ors.

Mr. Ayan Basu,
Mr. Rajnish Kalawatia,
Mr. Sumit Routh.
...for the petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Arijit Ganguly,
Ms. Manisha Sharma.
...for the State.

Learned Public Prosecutor appearing for the State has submitted the Memorandum of Evidence as well as the Case Diary relating to Bowbazar Police Station Case No.132 dated 23.05.2019 under Section 307 of the Indian Penal Code. Let the same be kept with the record.

Earlier the report of the Officer-in-Charge, Jadavpur Police Station was also placed before this Court regarding the G.D. Entries relating to one Dr. Suman Kumar.

The factual circumstances relating to the genesis of the dispute are conflicting facts wherein in Bowbazar Police Station Case No.132 dated 23.05.2019 the case was registered pursuant to a complaint lodged by Dr. Ashis Majumdar because he being attacked and the injuries sustained by him and pursuant to which under Section 307 of the Indian Penal Code amongst other sections were registered for investigation. The said case indicates the

involvement of one Dr. Suman Kumar.

On the other hand, Jadavpur G.D. Entry No.2011 dated 24.05.2019 was an information regarding missing of Dr. Suman Kumar which was initiated by his father Krishna Chandra Das who subsequently filed an application under Section 156(3) of the Code of Criminal Procedure alleging that his son has been kidnapped/abducted/murdered. To that effect in the application under Section 156(3) of the Code of Criminal Procedure being Complaint Case No.38 of 2019, the following doctors were referred to as accused persons/opposite parties:

“1. Dr. Ashis Majumder;

2. Dr. Chandan Bari;

3. Dr. Dutta;

4. Dr. P.S. Roy; all are practicing as a doctor at Calcutta Medical College & Hospital, C/o. Calcutta Medical College & Hospital, 88, College Street, College Square, Calcutta-700 073.”

In view of the subject matter of the dispute relating to counter-statements and allegations, I am of the opinion that for unearthing the truth a Specialized Investigating Agency must be entrusted to investigate Bowbazar Police Station Case No.132 dated 23.05.2019 as the investigation of the said case is still progressing.

Accordingly, the Officer-in-Charge of Homicide Section, Detective Department, Lalbazar, would depute an officer of his choice, monitor the investigation and would take into account the allegations made in Complaint Case No.38/2019 while investigating

the Bowbazar Police Station Case No.132 dated 23.05.2019.

Thus, CRR 2182 of 2019 is disposed of with the aforesaid observations.

Pending application, if any, is consequently disposed of.

Learned Registrar General, High Court, Calcutta is directed to communicate this order to the Joint Commissioner of Police (Crime), Detective Department, Lalbazar, Kolkata in course of this week.

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

(Tirthankar Ghosh, J.)