

S/L 13
31.08.2022
Court. No. 19
GB

WPA 17561 of 2022

Sabita Goswami
VS
The State of West Bengal & Ors.

*Mr. Siddhartha Banerjee,
Mr. Subhankar Das,
Mr. Bikram Sarkar.*

...for the Petitioner.

*Mr. Ashish Kumar Guha,
Mr. Jayak Kumar Gupta.*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner is a lady aged about 78 years. The allegations are against the respondent nos.7 to 9. It is the case of the petitioner that the property was gifted in favour of the respondent no.7 with the condition that the respondent no.7 would look after the lady. As the respondent no.7 failed to discharge his obligation under the deed of gift, the petitioner approached the Maintenance Tribunal for cancellation of the deed of gift and for other orders. The proceeding under the West Bengal Maintenance and Welfare of Parents and Senior Citizens Act, is pending before the Maintenance Tribunal.

It is further submitted that after the filing of the application before the Tribunal, the respondent nos.7 to 9 tortured the petitioner. The police authorities have already registered Lake Police Station Case No.202 dated July 26, 2022 under Sections 447/323/114 of the Indian Penal Code against the respondent nos.8 and 9. Investigation has

started. Witnesses were examined under Section 161 of the Code of Criminal Procedure. On the basis of further allegations made by the petitioner on July 26, 2022, further sections have been added, namely, Sections 509, 354, 506 and 427 of the Indian Penal Code. The police authorities have also taken steps for recording statement of the petitioner under Section 164 of the Code of Criminal Procedure before the learned Magistrate. The police report is taken on record.

Under such circumstances, nothing further remains to be decided in the writ petition. The investigation will be completed in accordance with law.

This order shall not have any influence on any other pending proceedings. The complicity of the respondent nos.8 and 9 in the pending investigation has not been considered by this Court. As no affidavits have been called for, the allegations against the respondents are deemed to be denied.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)