

17-11-2022
ct no. 13
Sl. 39
sp

WPA 17928 of 2022

Sumitra Das
-Versus-

The State of West Bengal & Ors.

Mr. Sandipan Maity

...for the petitioner

Ms. Sutapa Sanyal,
Mr. Debashis Sarkar

...for the State

The private respondents are not represented today.

The petitioner is aggrieved that her daughter has been kidnapped on three occasions and rescued and yet investigation has not been completed. It appears from the instructions of the Tehatta Police Station, KPD, Nadia dated 16.11.2022 that three several FIRs were registered in respect of the kidnapping of the petitioner's daughter. Three several charge sheets being Tehatta PS CS No. 359/2022 dated 23.05.2022, Tehatta PS CS No. 307/2022 dated 17.05.2022 and Tehatta PS CS No. 456/2022 dated 07.06.2022 have been filed. A 4th complaint is pending before the ACJM, Tehatta being Case No. 214 of 2022 and order is pending thereunder.

It appears to this Court that the accused persons in the three charge sheets are similar. This Court is surprised as to why the writ petitioner as well as the Tehatta Police Station have not applied for cancellation of bail granted to the accused persons. The Tehatta Police Station and the petitioner shall take immediate steps in this regard.

It further appears that the medicolegal examination of the victim and the prayer for recording the evidence of the victim under Section 164 of the Cr. P.C. has been declined by the ACJM. This Court is surprised as to why no steps have been taken against such order of the ACJM by the Tehatta Police Station.

It is therefore ordered that the Tehatta Police Station shall conduct a medical examination of the victim and also recorded her statement under Section 164 of the Cr. P.C. in respect of the subject matter of CS No. 590 of 2022 dated July 31, 2022. If the Tehatta Police Station finds further evidence relevant in the case, a supplementary charge sheet shall be filed in the said matter.

The instructions of the Tehatta Police Station, KPD, Nadia, dated 16.11.2022, addressed to the learned State Advocate, are taken on record.

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

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)