

S/L 3
07.07.2022
Court. No. 19
GB

WPA 18781 of 2021

Purnendu Mitra
VS
The State of West Bengal & Ors.

*Mr. Debashis Banerjee,
Mr. Supreem Naskar.*

...for the Petitioner.

*Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag.*

...for the State.

*Mr. Pawan Kumar Gupta,
Mr. Awadesh Kr. Rai,*

...for the Respondent No.9.

Perused the police report. On the basis of the complaint lodged by the petitioner, Dum Dum Police Station Case No.936 of 2021 dated August 25, 2021 under Sections 302/201/120B/345 of the Indian Penal Code was initiated. The investigation is under progress. The respondent nos.8 to 10 were arrested and subsequently released on bail.

The allegations of the petitioner are as follows:

- a) Although, the incident took place on March 21, 2021 and the petitioner had requested the Officer-in-Charge, Dum Dum Police Station to investigate into the death of his son and come to a logical conclusion in order to unearth the truth, an FIR was not registered by the police authorities.
- b) The viscera was not preserved in a proper manner and was sent at a belated stage for examination.
- c) The police authorities had pre-judged the issue as a case of suicide and failed to take prompt steps.

d) The police authorities proceeded with a closed mind and assumed that there was no foul play in the unnatural death of the petitioner's son.

Mr. Banerjee, learned advocate appearing on behalf of the petitioner submits that had the police authorities been more prompt in taking cognizance of the offence complained of, the cause of death and the circumstances, which led to the death of the petitioner's son would have been exposed earlier and the wrong doer would have been booked.

The learned advocate appearing on behalf of the respondent nos.8 to 10 referred to the communication of the Sub-Inspector of Ghughudanga Outpost to the Officer-in-Charge, Tala Police Station dated March 22, 2021, wherein it has been stated that no foul play had been detected. A Post-mortem was found necessary. The body was handed over to father and viscera was preserved as per guidelines. According to them, neither the initial letter of the petitioner to the police authorities nor any enquiry made by the officials of the Ghughudanga Outpost disclosed any foul play. The petitioner had not alleged commission of any cognizable offence by the respondent nos.8 to 10, at the time of death.

Mr. Bandopadhyay, learned advocate appearing on behalf of the State respondents has filed a report prepared by the Inspector-in-Charge, Dum Dum Police Station. It appears from the report, that the respondent nos.8 to 10 had been apprehended. They were subsequently released on bail. The deceased and the said respondents were having a get together at a rented accommodation of Akash Verma. The

complainant was examined. The witnesses including the landlord, other tenants and staff in the office of the victim were interrogated. Several articles were seized.

The post-mortem report is inconclusive. According to the doctor, the cause of death could not be ascertained, without any chemical examination report. The viscera of the deceased was sent to the Director cum Senior Chemical Examiner, Forensic Science Laboratory, at Belgachia. The report is pending. In the meantime, having found reference to a haematoma over the occipital area and sub-arachnoid hemorrhage over the occipital lobe in the postmortem report, the police authorities have sought a clarification from the concerned doctor. The police authorities have also sought for a clarification as to whether the death was homicidal or accidental, in the prima facie view of the doctor.

Under such circumstances, this Court opines that the chemical examiner's report and the forensic report may provide some kind of a lead. Under such circumstances, upon considering the nature of the offence, the investigation must be conducted with promptitude and the seriousness it deserves. The Commissioner of Police, Barrackpore Commissionerate, shall supervise the investigation.

The Court has not expressed any opinion with regard to the culpability of the respondents, but the Court is of the view that the death of the victim, which had occurred sometime in March 2021 must be investigated in an impartial, independent and proper manner, so that the truth is unearthed.

The Commissioner of Police, Barrackpore Commissionerate is directed to ensure that the FSL reports are prepared expeditiously, so that the police authority can reach the investigation to its logical conclusion.

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.)