

S/L 473 (ML)
23.08.2022
Court. No. 19
GB

WPA 19370 of 2021

Dilip Halder
VS
The State of West Bengal & Ors.

Mr. Partha Sarathi Das,
Mr. Kaushik Biswas.

...for the Petitioner.

Mr. Susasnta Pal,
Ms. Ananya Neogi.

...for the State.

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

The petitioner alleges that the Inspector-in-Charge, Gazole Police Station has failed and neglected to initiate an investigation on the basis of the complaint lodged by the petitioner. It is submitted that the petitioner is the father of the deceased boy, who lost his life at the age of 14 years. The petitioner suspected that such death occurred under mysterious circumstances and the investigating authority after registering the FIR vide Gazole Police Station Case No.667 of 2021 under Sections 341/304 of the Indian Penal Code, did not take further steps.

The police report is taken on record. It appears that on the complaint of the petitioner dated August 28, 2021, Gazole Police Station Case No.667 of 2021 dated August 28, 2021 under Sections 341/304 of the Indian Penal Code was started against one Dipak Halder. The Investigating Officer examined the complainant, visited the place of occurrence, prepared a rough sketch map along with index, recorded the statements of witnesses under Section 161 of the Code of

Criminal Procedure, and seized some articles under proper seizure list. The Investigating Officer also held raids for securing arrest of the accused persons, but the accused persons were not available and they had escaped. The Investigating Officer collected the postmortem report and the opinion of the autopsy surgeon was that the death was due to effect of head injury, antemortem in nature. The inquest of the dead body was held on August 27, 2021. One Chandana Halder was sent before the learned court of the Judicial Magistrate, Malda for recording her statement under Section 164 of the Code of Criminal Procedure. The Investigating Officer had also sent a requisition to the Officer-in-Charge, SOG, Malda for collection of the CDR and SDR of the mobile number of the accused persons in order to trace him. It also appears that one Sabita Sarkar was sent before the learned Judicial Magistrate for recording her statement under Section 164 of the Code of Criminal Procedure. The investigation is still going on.

The report was prepared on December 11, 2021. It is not available as to whether the investigation has been completed or not. Thus, this Court disposes of the writ petition upon directing the police authorities to act and proceed in accordance with law and conclude the investigation in an impartial, fair and proper manner and take appropriate steps in the learned court below, if not already done. Appropriate steps as per law, be taken, if the accused persons are still absconding.

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.)