

11-11-2022
ct no. 13
Sl.19
sp

WPA 24262 of 2022

Smt. Nilima Das

-Versus-

The State of West Bengal & Ors.

Mr. Atarup Banerjee,
Mr. Arindam Sen,
Mr. Saurav Basu

....for the petitioner

Mr. Debasish Ghosh

...for the State

The petitioner is aggrieved that her husband's statement under Section 161 of the Cr. P.C. has been recorded with the right thumb impression inspite of severe injuries to the right hand.

The petitioner's husband was brutally assaulted by the private respondents, who are named accused in the FIR being No. 271 dated 11th October, 2022 registered with the Thakurpukur Police Station. The petitioner also submits that Section 307 of the Cr. P.C. also ought to have been inserted in the FIR. The medical documents of the petitioner's husband were not produced before the Magistrate by the Investigating Officer of the concerned Police Station at the time when the bail was granted.

Learned counsel for the State submits that an application has been made for cancellation of bail and is fixed on 14th November, 2022.

The petitioner has also applied for cancellation of bail before this Court.

It is ordered that the application for cancellation of bail shall be heard by the learned District and Sessions Judge on 14th November, 2022 itself. The Investigating Officer shall produce all medical records of the injuries that the petitioner's husband sustained as a consequence of assault by the private respondents. All other evidence may also be produced.

The ACJM and/or District Judge may, in their wisdom, consider including the other sections, particularly, Section 307 of the Cr. P.C. in the FIR and pass appropriate orders.

Since the victim has been released from the hospital, immediate arrangements may be made to record his statement under Section 164 of the Cr. P.C. before 14th November, 2022.

With the aforesaid observations, the 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.)