

WPA 27465 of 2022

Mr. Imtiaz Ahmed
Ms. Ghazala Firdaus
Mr. Shibasish Banerjee
Mr. Syed Nafirul Islam
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan

...for the petitioner

Mr. Raja Saha
Mr. Subhra Prakash Lahiri
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was a local leader of a political party apprehending danger to his life. He appointed a security guard. One night, the victim was returning in a motorcycle along with his security guard. They were accosted by some miscreants. Although initially both tried to flee away, the victim was caught and shot dead. An FIR was lodged by the security guard against unknown assailants. Investigation done thereafter was absolutely perfunctory. The real accused evaded any action. This prompted the petitioner to file a fresh complaint. The same has not been taken into consideration.

Learned counsel for the State relies on a report and submits as follows. Initially an opportunity was given to the family members of the deceased to lodge an FIR as there was a delay in doing so. The securing guard lodged the FIR after the investigation commenced. Seven assailants were arrested, a few from Bangalore. Arms were seized and the articles belonging to the deceased was seized. The investigating agency was also looking into the subsequent complaints filed by the petitioner. As such, there is no need to direct the investigation to be conducted by the CID. It is not clear whether Test Identification Parade has also done in this case.

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears from the report that a meaningful investigation has been done by the local police. Articles were recovered and accused were arrested. However, it is not clear whether the accused were sent for Test Identification Parade.

In view of the above, I direct the investigating agency to conclude the investigation in accordance with law as expeditiously as possible. If the Test Identification Parade for the accused who were arrested has not been done, the same should be done expeditiously. The investigating agency shall also take into consideration the subsequent complaint made by the petitioner.

In the event the petitioner and her family members are apprehending any kind of danger to life and property, they shall be at liberty to approach to the local authorities including the police officials for necessary protection.

With these observations, the writ petition is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)